



**Walla Walla Municipal Code Text Amendments  
State Environmental Policy act (SEPA) Exemption Thresholds  
Level V Review Staff Report  
File# ZCA-23-0003 and SEP-23-0005**

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**I. GENERAL INFORMATION:**

**Application Date:** January 26, 2023

**Public Hearing Date:** **April 3, 2023**

**Applicant:** City of Walla Walla  
15 N. 3<sup>rd</sup> Ave, Walla Walla, WA 99362

**Amendment Summary:**

Walla Walla Municipal Code (WWMC) Text Amendments to WWMC 19.24, 20.14, 20.134 and 21.08. The City requests to increase the flexible thresholds for minor new construction as allowed under WAC 197-11-800(1).

**II. DESCRIPTION OF PROPOSED CODE AMENDMENTS**

The applicant, the City of Walla Walla, is requesting Walla Walla Municipal Code text amendments to Walla Walla Municipal Code 19.24, 20.14, 20.124, and 21.08. The City requests to increase the flexible thresholds for minor new construction as allowed under WAC 197-11-800(1). This is a non-project proposal that would affect every project submitted for review to determine whether it is categorically exempt from SEPA review.

The proposed code changes include raising the exemption levels for single-family residential units from four to 14; from four to 60 for multifamily residential units (defined as triplexes and larger); from 4,000 square feet to 30,000 square feet for office, school, commercial, recreational, service, and storage buildings; from 20 parking spaces to 90 parking spaces; and from 100 cubic yards to 1,000 cubic yards of fill or excavation, and other related code changes. Proposed projects that fall below these thresholds would not require SEPA review.

The Walla Walla City Council passed Ordinance 2021-23 on August 11, 2021, adopting a Regional Housing Action Plan. The Regional Housing Action Plan included recommendations for potential code changes that can increase housing supply. One of these potential code changes included adopting increased State

Environmental Policy Act (SEPA) categorical exemptions for residential or mixed-use development. Specifically, the City aims to increase the flexible thresholds for categorical exemptions from SEPA as allowed under WAC 197-11-800(1).

With Washington State Department of Commerce Housing Action Plan Implementation Grant funds, the City hired LDC, Inc. LDC, a planning consultant firm, is assisting the City in providing technical analysis and preparing draft code language. This would ensure that the City's current or amended SEPA code and development regulations provide for the adequate layers of environmental protection and public engagement opportunities that originally were provided only through SEPA. Attached to this staff report is the technical memorandum authored by Matt Covert, Senior Planner with LDC, Inc which demonstrates that existing development regulations and proposed code changes to the City's SEPA code comply with the requirements of WAC 197.11.800 and RCW 43.21C.229.

Please note that the City is not proposing to adopt an infill exemption as authorized by RCW 43.21C.229 at this time, although the technical memorandum documents how the city would meet the requirements should the city choose to pursue said exemption in the future.

Background information on SEPA and subsequent legislation to protect the environment: The State Environmental Policy Act (SEPA), adopted May 1971, is codified in RCW 43.21C and implemented through the Department of Ecology's administrative code under WAC 197-11. The purpose of SEPA is to "(1) ...encourage productive and enjoyable harmony between humankind and the environment; (2) to promote efforts which will prevent or eliminate damage to the environment...; (3) [to] stimulate the health and welfare of human beings; and (4) to enrich the understanding of the ecological systems and natural resources...". SEPA is a procedural statute designed to ensure that potential environmental effects of a proposed action or project are surfaced, evaluated, and mitigated or prevented.

In the decades since SEPA has become law, many other state laws have passed that required jurisdictions to enact regulations that protect the environment. This includes, but is not limited to, the 1990 Growth Management Act (GMA), which requires local governments to enact critical areas regulations, the 1971-72 Shoreline Management Act, which requires all counties and most towns and cities to prepare and implement shoreline master programs, and stormwater regulations and permitting that implement requirements under the Clean Water Act. In most cases around the state, cities and counties have adopted regulations covering almost every element covered under the SEPA.

In addition, the GMA (RCW 36.70A) and the Local Project Review Act (RCW 36.70B) outline substantial requirements for community, tribal, and local, state, and federal agency engagement during policy, code, and permit processes. SEPA is not the only process by which public notice is provided since these laws were enacted in the 1990s and implemented into codes and processes.

To account for these additional layers of environmental protection and public engagement opportunities that did not exist when SEPA was created, updates to the

statute and administrative rules over the years have created various optional avenues under which specific types of projects or decisions can be exempt from review under SEPA. This has allowed cities and counties across the state the ability to modify their SEPA requirements as development regulations are adopted which protect the environment and mitigate impacts associated with project actions.

Therefore, the City of Walla Walla is seeking to update its municipal code as it implements the State Environmental Policy Act, or SEPA (RCW 43.21C). Specifically, the City aims to increase the flexible thresholds for categorical exemptions from SEPA as allowed under WAC 197-11-800(1).

### **III. SEPA STATUS:**

The Notice of Application and Washington State Environmental Policy Act (SEPA) checklist was circulated to the SEPA distribution list and the Washington State Department of Ecology SEPA register on February 21, 2023. It was also posted to the City of Walla Walla Public Notices website and emailed to a SEPA contact list of applicable agencies with jurisdiction.

The City of Walla Walla Development Services has determined that this non-project legislative proposal is unlikely to have a significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). Staff has reviewed the following: Submitted SEPA Checklist, and the existing environmental documents: Walla Walla Comprehensive Plan Final Environmental Impact Statement (FEIS), issued May 22, 2018, and Walla Walla Comprehensive Plan - Walla Walla 2040, Ordinance 2018-15, adopted June 13, 2018.

A SEPA Determination of Non-Significance (DNS) was issued on March 14, 2023, under WAC 197-11-340(2) with a comment period that ending on March 31, 2023.

### **IV. FINDINGS OF FACT:**

1. Zoning code text amendments are a Level V review under Walla Walla Municipal Code (WWMC) Chapter 20.28, which requires the Planning Commission to hold a public hearing and make a recommendation to the City Council. The City Council is the decision authority.
2. The Walla Walla City Council work session on December 5, 2022, provided a presentation and discussion regarding potential Municipal Code amendments pertaining to raising SEPA exemption thresholds.
3. The City has demonstrated, through the development of a technical memorandum, dated March 22, 2023 and findings contained within that memorandum, that it meets the requirements in WAC 197-11-800(1)(c) for raising the SEPA exemptions levels as allowed within the rules (WAC 197-11-800(1)(d)).

4. The City has demonstrated, through the development of a technical memorandum and findings contained within that memorandum, that adequate protections for cultural and historic resources are provided for projects exempt from SEPA.
5. The City, through the development of a technical memorandum, dated March 22, 2023 has documented how impacts to state-owned transportation facilities and necessary mitigation, are handled as part of the permit process.
6. Increasing the thresholds for minor new construction to the level allowed under WAC 197-11-800 would eliminate unnecessary administrative procedures for some development proposals while not reducing environmental protections.
7. Projects subject to the increased SEPA exemption levels will have impacts mitigated through the municipal code, comprehensive and subarea planning, and other programs.
8. On February 6, 2023, the Walla Walla Planning Commission engaged in a work session in which the Planning Commission heard a presentation on the link between proposed code changes and the adopted Housing Action Plan (HAP), an overview of the State Environmental Policy Act (SEPA), and an overview of proposed code changes.

The Planning Commission discussed findings of the technical memorandum (finding #3) documenting how proposed code changes would not diminish environmental protections and project notification. The Commission discussed the appropriate minor new construction threshold levels prior to formal code amendment application.

9. The formal text amendments were initiated on February 21, 2023. A Notice of Application and SEPA file were posted on the City of Walla Walla public notices website on February 21, 2023, and were published in the Union Bulletin on February 21, 2023, as required by WWMC 20.14.065. The Notice of Application comment period concluded on March 13, 2023.
10. Pursuant to WAC 197-11-800 a 60-day notice and opportunity to comment was issued on February 21, 2023, to affected tribes, agencies with expertise, affected jurisdictions, the Department of Ecology.
11. A State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) was issued on March 14, 2023, under WAC 197-11-340(2) with a comment period that concluded on March 31, 2023.
12. A Notice of Public Hearing was posted on the City website on March 16, 2023, and was published on March 16, 2023 in the Union Bulletin.
13. Comment and correspondence letter/emails from:  
Port of Walla Walla, Patrick Reay, Director, dated March 3, 2023  
Washington State Department of Archaeology and Historic Preservation, Sydney Hanson, Local Government Archaeologist, dated March 7, 2023.

14. Pursuant to RCW 36.70A.106, the proposed zoning code amendments were sent to the Washington State Department of Commerce, as required for the 60-day review, on February 21, 2023.
15. The Zoning Administrator initiated these proposed zoning code amendments to review the current language of the code, as allowed by WVMC Chapter 20.48.020(4)(5), Amendments. The following outlines the requirements for processing amendments:

**20.48.020 Who may initiate.**

A. Amendments may be initiated by:

1. The City Council;
2. The City Manager;
3. The Planning Commission;
4. The Zoning Administrator;
5. Any person requesting amendment to the text of this Code;
6. Any property owner or contract purchaser or authorized agent requesting a rezone of his or her property; or
7. Any property owner(s) requesting annexation to the City.

**20.48.030 Procedure.**

C. The City Council is responsible for the approval or denial of a rezone or text amendment. When considering a rezone request or a text amendment, the City Council will act on the request at a public meeting upon the hearing record of the initial reviewing body.

**20.48.045 Review criteria rezones, area wide rezones and text amendments.**

The decision on a prezone, area wide rezone, or text amendment shall be based on a legislative finding upon whether or not the proposal is consistent with and implements the Walla Walla Comprehensive Plan.

16. The proposed code amendments are supported by the City of Walla Walla Comprehensive Plan as identified in the conclusions of law section of this staff report as required by RCW 36.70A.130(1)(d), which reads in part: "Any amendment of or revision to development regulations shall be consistent with and implement the comprehensive plan."

**V. CONCLUSIONS OF LAW:**

1. Development Services followed the process outlined in Walla Walla Municipal Code Chapter 20.48 Amendments. The following applies:

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A. Amendments may be initiated by:

1. The City Council;
2. The City Manager;

3. The Planning Commission;
4. The Zoning Administrator;
5. Any person requesting amendment to the text of this Code;
6. Any property owner or contract purchaser or authorized agent requesting a rezone of his or her property; or
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#### **20.48.050 Record of amendments.**

All amendments to the zone code will be recorded and indexed in the development services department according to Section 20.14.100 of the Walla Walla Municipal Code.

#### Staff Analysis:

##### **1. Procedural Elements-**

The proposed code amendments were initiated by the Development Services Department (Zoning Administrator) to revise and update Chapters 19.24, 21.08, 20.14, and 20.134 of the Walla Walla Municipal Code.

The review of the proposed code amendments by the Planning Commission was conducted at a work session during the meeting of the Planning Commission on February 6, 2023.

A public hearing notice for the Planning Commission Public Hearing on April 3, 2023, was published in the Union Bulletin on March 16, 2023, and posted on the City's website on March 16, 2023. The Planning Commission shall conduct a Public Hearing and make a recommendation to the City Council.

The review criterion for a zoning code text amendment is that the amendments are consistent with and implement the Walla Walla Comprehensive Plan – Walla Walla 2040. Staff will outline how the proposed code amendments are consistent with the Comprehensive Plan in the next conclusion analysis below.

*Staff finds that the proposed code amendments meet the requirements of WMMC 20.48 Amendments based on the above staff analysis.*

## 2. **Comprehensive Plan and Walla Walla Regional Housing Action Plan –**

The proposed code amendments are supported by the Walla Walla Comprehensive Plan – Walla Walla 2040 Goals and Policies, as follows:

### **Walla Walla Regional Housing Action Plan**

#### **Page 22 - 3. Middle Housing Types**

Adopt other permit process improvements where it is demonstrated that the code, development regulation, or ordinance changes will result in a streamlined and more efficient permit process to attract interest from developers. (RCW 36.70A.600)

#### **Page 27 - Exhibit 17**

Policy/Action: Adopt an increase in categorical exemptions for residential or mixed-use development. (RCW 36.70A.600)

Detail of the policy/action: Categorically exempts government action related to development proposed to fill in an urban growth area, designated according to RCW 36.70A.110, where current density and intensity of use in the area is roughly equal to or lower than called for in the goals and policies of the applicable comprehensive plan. (RCW 43.21C.229)

### **Walla Walla Comprehensive Plan:**

Community Character Policy 1.2 Establish preservation districts, and compile inventories of buildings that are potentially significant on their own or possess contributing status to preservation districts.

Community Character Policy 3.2 Identify and protect important viewsheds, particularly views of the Blue Mountains, through regulations.

Community Character Policy 4.5 Establish design guidelines to reinforce downtown's historic character while encouraging appropriate new development.

**Land Use Goal 1:** Walla Walla grows in a responsible way that maintains or improves the quality of life for its residents.

Economic Development Goal 5 Development standards and regulations are aligned with the needs of new and technology-based businesses.

Economic Development Policy 5.1 Regularly review development regulations, evaluate the impact of regulations, and the needs of local businesses.

**Environment and Natural Resources Goal 1:** Water, air, and soil resources in Walla Walla are protected.

Environment and Natural Resources Policy 1.1 Implement best management practices, where feasible, to ensure protection of surface and groundwater resources and ecosystems in locations where roadway and highway construction projects are occurring.

Environment and Natural Resources Policy 1.2 Identify and protect environmentally critical areas, and keep the City's Critical Areas Ordinance up-to-date and complete, including mapping.

Environment and Natural Resources Policy 1.3 Ensure that buffers are adequately defined, regulated, and controlled to limit the disturbance of vegetation and disruption of ecological function.

Environment and Natural Resources Policy 1.4 Properly define Aquifer Recharge Areas for the purpose of GMA-driven critical area protection, and ensure that measures are in place to protect aquifer recharge areas from runoff.

Transportation Policy 1.1 Improve safety for walking, biking, transit, motor vehicles, and freight at high collision locations identified through data-driven safety analysis.

Transportation Policy 1.5 Require development to provide off-site safety improvements such as pedestrian crossings when there is a need for such improvements, as demonstrated through a Traffic Impact Analysis, and needed improvements are consistent with an adopted plan.

Transportation Policy 3.3 Require development to provide off-site multi-modal improvements when there is a need for such improvements, as demonstrated by a Traffic Impact Analysis, and needed improvements are consistent with an adopted plan.

Transportation Policy 3.4 Require multimodal connections to be provided within development sites, as well as to the adjacent transportation system and surrounding uses.

Staff Analysis:

Staff reviewed the current Walla Walla Comprehensive Plan for goals and policies that support the proposed Municipal Code Text Amendments. The goals and policies cited above provide policy support for using the Walla Walla Municipal Code, design guidelines, and engineering standards to protect environmental, historic, and cultural resources.

While the use of SEPA to mitigate impacts does not contradict the Comprehensive Plan, the balance of the goals and policies cited above contain specific references to regulations and codes that support using the municipal code rather than SEPA to mitigate impacts when project proposals are small and unlikely to have significant environmental impacts.

The technical memorandum demonstrates compliance with administrative code and state statute, and the City's municipal code is required to implement the Comprehensive Plan.



Furthermore, updates to the City's SEPA code are supported by the Growth Management Act (GMA). RCW 36.70A.020 goals that apply to the proposed Municipal Code Text Amendments:

(7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

(9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

(10) Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

(13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

*Staff concludes that the proposed text amendments will implement the goals and policies of the City of Walla Walla Comprehensive Plan 2040.*

## **VI. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission recommends approval to the Walla Walla City Council for the proposed Walla Walla Municipal Code Text Amendments.

## **VII. EXHIBITS**

1. Municipal Code Text Amendment Application
2. Proposed Text Amendments
3. SEPA checklist
4. Final Technical Memorandum
5. Notice of Application
6. WA State Department of Commerce Notification
7. SEPA Determination of Non-Significance (DNS)
8. Notice of Public Hearing
9. Notice Certification
10. Comment from the Port of Walla Walla, March 3, 2023.
11. Correspondence from the Washington State Department of Archaeology and Historic Preservation, March 7, 2023.

# Exhibit 1

## Municipal Code Text Amendment Application



Development Services Department  
[permits@wallawallawa.gov](mailto:permits@wallawallawa.gov)  
(509) 524-4710

## ZONING CODE TEXT AMENDMENT APPLICATION

Application fee is due upon submittal: \$650 – SEPA fee: \$190

An Environmental Checklist (SEPA Application) shall be submitted with this application

All legal advertising fees will be billed to the owner directly by the Union-Bulletin

Applicant Name:

Phone:

E-mail address:

Mailing Address:

### Required Documents:

Application & narrative to the questions below

SEPA Environmental Checklist and fees

Any other information determined necessary by the Director to adequately review the proposal

### On a separate piece of paper, please answer and explain the following:

1. Section(s) of the Municipal Code proposed to be amended (include the code citation).
2. Summary of the proposed code amendment.
3. Reason(s) for the proposed code amendment.
4. Explain how the proposed code amendment conforms to the goals and policies of the City of Walla Walla Comprehensive Plan.

I certify, by checking this box and printing my name below, that the information submitted in this application packet is true and accurate. Determination of information to be in error could result in revocation of permit.  
I understand that this application is not deemed filed until fees are paid.

City of Walla walla

Date:

Printed Name of Applicant

# Exhibit 2

## Proposed Text Amendments

**DRAFT City of Walla Walla State Environmental Policy Act municipal code updates related to categorical exemptions.**

(Added terms are in ***bold/ italicized***. Removed terms are ~~stricken~~ – all changes are in red font)

19.24.010 Application requirements.

A. Preapplication Conference. Prior to the filing of a short plat application, the developer shall confer with the director or his or her designee and submit a sketch of the proposed division. The director shall advise the developer as to procedure, conformity to applicable ordinances and comprehensive plan policies.

B. Short plats require a Level II review.

~~1. Short plats dividing land into less than five lots, tracts, parcels, sites or division for the purpose of sale, lease, or transfer of ownership shall be categorically exempt from SEPA threshold determination requirements except as provided in WAC 197-11-305 and 197-11-800.~~

~~2. Short plats dividing land into five or more lots, tracts, parcels, sites or division for the purpose of sale, lease, or transfer of ownership are subject to SEPA threshold determination requirements.~~

C. Application for Short Plat. Application for short plat approval shall consist of the following:

1. An application form, completed and signed by the property owner or authorized agent;
2. Copies of the preliminary short plat in such number and format requested by the department prepared in accordance with Chapter 19.40, Required Information;
3. The application shall be accompanied by the required filing fee;
4. A certificate verifying ownership of and encumbrances on the property; and
5. A completed SEPA environmental checklist and accompanying fee; unless the director determines that the short plat is categorically exempt.

21.08.180 Adoption by reference.

The city adopts by reference the following rules for categorical exemptions, as supplemented in this chapter, including WAC 173-806-080 (Use of exemptions):

WAC

***197-11-800 Categorical Exemptions, as further amended in section 21.08.181.***

197-11-880 Emergencies.

197-11-890 Petitioning DOE to change exemptions.

21.08.181 Categorical exemptions.

A. *In accordance with 21.08.080 WVMC, p*Proposed actions exempted in Chapter 43.21C RCW are exempt to the extent provided therein, subject to the rules and limitations on categorical exemptions contained in WAC 197-11-305.

B. Proposed actions exempted in WAC 197-11-810 through 197-11-875 are categorically exempt from threshold determination and EIS requirements to the extent provided therein, subject to the rules and limitations on categorical exemptions contained in WAC 197-11-305.

C. The following described proposed actions are categorically exempt from threshold determination and EIS requirements *in accordance with WAC 197-11-800(1), minor new construction – flexible thresholds*, to the extent provided herein, subject to the rules and limitations on categorical exemptions contained in WAC 197-11-305:

1. Minor New Construction – Flexible Thresholds.

a. The exemptions in this subsection apply to all licenses required to undertake the construction in question, except when a rezone or any license governing emissions to the air or discharges to water is required. To be exempt under this subsection, the project must be equal to or smaller than the exempt level. For a specific proposal, the exempt level in subsection (C)(1)(b) of this section shall control. If the proposal is located in more than one city/county, the lower of the agencies' adopted levels shall control, regardless of which agency is the lead agency.

b. The following types of construction shall be exempt, except when undertaken wholly or partly on lands covered by water:

i. The construction or location of any residential structures of *fourteen* ~~four~~ *single family* dwelling units *or sixty multifamily residential dwelling units*.

ii. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering ten thousand square feet, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots.

iii. The construction of an office, school, commercial, recreational, service or storage building with *thirty* ~~four~~ thousand square feet of gross floor area, and with associated parking facilities designed for *ninety* ~~twenty~~ automobiles.

iv. The construction of a parking lot designed for *ninety* ~~twenty~~ automobiles.

v. Any landfill or excavation of one *thousand* ~~hundred~~ cubic yards throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a Class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder.

~~2. Other minor new construction. The following types of construction shall be exempt except where undertaken wholly or in part on lands covered by water (unless specifically exempted in this subsection); the exemptions provided by this section shall apply to all licenses–~~

~~required to undertake the construction in question, except where a rezone or any license governing emissions to the air or discharges to water is required:~~

~~a. The construction or designation of bus stops, loading zones, shelters, access facilities and pull-out lanes for taxicabs, transit and school vehicles.~~

~~b. The construction and/or installation of commercial on-premises signs, and public signs and signals; provided, however, this exemption shall not apply to construction and/or installation of a commercial electric sign within three hundred feet of a residential structure or a residentially zoned property.~~

~~c. The construction or installation of minor road and street improvements such as pavement marking, freeway surveillance and control systems, railroad protective devices (not including grade-separated crossings), grooving, glare screens, safety barriers, energy attenuators, transportation corridor landscaping (including the application of Washington State Department of Agriculture approved herbicides by licensed personnel for right-of-way weed control as long as this is not within watersheds controlled for the purpose of drinking water quality in accordance with WAC 248-54-660), temporary traffic controls and detours, correction of substandard curves and intersections within existing rights-of-way, widening of a highway by less than a single lane width where capacity is not significantly increased and no new right-of-way is required, adding auxiliary lanes for localized purposes (weaving, climbing, speed change, etc.), where capacity is not significantly increased and no new right-of-way is required, channelization and elimination of sight restrictions at intersections, street lighting, guard rails and barricade installation, installation of catch basins and culverts, and reconstruction of existing roadbed (existing curb to curb in urban locations), including adding or widening of shoulders, addition of bicycle lanes, paths and facilities, and pedestrian walks and paths, but not including additional automobile lanes.~~

~~d. Grading, excavating, filling, septic tank installations, and landscaping necessary for any building or facility exempted by subsections (C)(1) and (2) of this section, as well as fencing and the construction of small structures and minor facilities accessory thereto.~~

~~e. Additions or modifications to or replacement of any building or facility exempted by subsections (C)(1) and (2) of this section when such addition, modification or replacement will not change the character of the building or facility in a way that would remove it from an exempt class.~~

~~f. The demolition of any structure or facility, the construction of which would be exempted by subsections (C)(1) and (2) of this section, except for structures or facilities with recognized historical significance.~~

~~g. The installation of impervious underground tanks having a capacity of ten thousand gallons or less.~~

~~h. The vacation of streets or roads.~~

~~i. The installation of hydrological measuring devices, regardless of whether or not on lands covered by water.~~

~~j. The installation of any property, boundary or survey marker, other than fences, regardless of whether or not on lands covered by water.~~

~~3. Repair, remodeling and maintenance activities. The following activities shall be categorically exempt: The repair, remodeling, maintenance, or minor alteration of existing private or public structures, facilities or equipment, including utilities, involving no material expansions or changes in use beyond that previously existing; except that, where undertaken wholly or in part on lands covered by water, only minor repair or replacement of structures may be exempt (examples include repair or replacement of pilings, ramps, floats, or mooring buoys, or minor repair, alteration, or maintenance of docks). The following maintenance activities shall not be considered exempt under this subsection:~~

~~a. Dredging;~~

~~b. Reconstruction/maintenance of groins and similar shoreline protection structures; or~~

~~c. Replacement of utility cables that must be buried under the surface of the bedlands. Repair/rebuilding of major dams, dikes, and reservoirs shall also not be considered exempt under this subsection.~~

~~4. Water Rights. Appropriations of one cubic foot per second or less of surface water, or of two thousand two hundred fifty gallons per minute or less of ground water, for any purpose. The exemption covering not only the permit to appropriate water, but also any hydraulics permit, shoreline permit or building permit required for a normal diversion or intake structure, well and pumphouse reasonably necessary to accomplish the exempted appropriation, and including any activities relating to construction of a distribution system solely for any exempted appropriation.~~

~~5. Purchase or Sale of Real Property. The following real property transactions by an agency shall be exempt:~~

~~a. The purchase or acquisition of any right to real property.~~

~~b. The sale, transfer or exchange of any publicly owned real property, but only if the property is not subject to an authorized public use.~~

~~c. The lease of real property when the use of the property for the term of the lease will remain essentially the same as the existing use, or when the use under the lease is otherwise exempted by this chapter.~~

~~6. Minor Land Use Decisions. The following land use decisions shall be exempt:~~

~~a. Except upon lands covered by water, the approval of short plats or short subdivisions pursuant to the procedures required by RCW 58.17.060, but not including further short subdivisions or short platting within a plat or subdivision previously exempted under this subsection.~~

~~b. Granting of variances based on special circumstances, not including economic hardship, applicable to the subject property, such as size, shape, topography, location or surroundings and not resulting in any change in land use or density.~~



~~e. Classifications of land for current use taxation under Chapter 84.34 RCW, and classification and grading of forest land under Chapter 84.33 RCW.~~

~~7. Open Burning. Opening burning and the issuance of any license for open burning shall be exempt. The adoption of plans, programs, objectives or regulations by any agency incorporating general standards respecting open burning shall not be exempt.~~

~~8. Clean Air Act. The granting of variances under RCW 70.94.181 extending applicable air pollution control requirements for one year or less shall be exempt.~~

~~9. Water Quality Certifications. The granting or denial of water quality certifications under the Federal Clean Water Act (Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1341) shall be exempt.~~

~~10. Activities of the State Legislature. All actions of the state legislature are exempted. This subsection does not exempt the proposing of legislation by an agency (WAC 197-11-704).~~

~~11. Judicial Activity. The following shall be exempt:~~

~~a. All adjudicatory actions of the judicial branch.~~

~~b. Any quasi-judicial action of any agency if such action consists of the review of a prior administrative or legislative decision. Decisions resulting from contested cases or other hearing processes conducted prior to the first decision on a proposal or upon any application for a rezone, conditional use permit or other similar permit not otherwise exempted by this chapter are not exempted by this subsection.~~

~~12. Enforcement and Inspections. The following enforcement and inspection activities shall be exempt:~~

~~a. All actions, including administrative orders and penalties, undertaken to enforce a statute, regulation, ordinance, resolution or prior decision. No license shall be considered exempt by virtue of this subsection; nor shall the adoption of any ordinance, regulation or resolution be considered exempt by virtue of this subsection.~~

~~b. All inspections conducted by an agency of either private or public property for any purpose.~~

~~c. All activities of fire departments and law enforcement agencies except physical construction activity.~~

~~d. Any action undertaken by an agency to abate a nuisance or to abate, remove or otherwise cure any hazard to public health or safety. The application of pesticides and chemicals is not exempted by this subsection but may be exempted elsewhere in these guidelines. No license or adoption of any ordinance, regulation or resolution shall be considered exempt by virtue of this subsection.~~

~~e. Any suspension or revocation of a license for any purpose.~~

~~13. Business and Other Regulatory Licenses. The following business and other regulatory licenses are exempt:~~

~~a. All licenses to undertake an occupation, trade or profession.~~

~~b. All licenses required under electrical, fire, plumbing, heating, mechanical, and safety codes and regulations, but not including building permits.~~

~~c. All licenses to operate or engage in amusement devices and rides and entertainment activities, including but not limited to cabarets, carnivals, circuses and other traveling shows, dances, music machines, golf courses, and theaters, including approval of the use of public facilities for temporary civic celebrations, but not including licenses or permits required for permanent construction of any of the above.~~

~~d. All licenses to operate or engage in charitable or retail sales and service activities, including but not limited to peddlers, solicitors, secondhand shops, pawnbrokers, vehicle and housing rental agencies, tobacco sellers, closeout and special sales, fireworks, massage parlors, public garages and parking lots, and used automobile dealers.~~

~~e. All licenses for private security services, including but not limited to detective agencies, merchant and/or residential patrol agencies, burglar and/or fire alarm dealers, guard dogs, locksmiths, and bail bond services.~~

~~f. All licenses for vehicles for hire and other vehicle related activities, including but not limited to taxicabs, ambulances, and tow trucks; provided, that regulation of common carriers by the utilities and transportation commission shall not be considered exempt under this subsection.~~

~~g. All licenses for food or drink services, sales, and distribution, including but not limited to restaurants, liquor, and meat.~~

~~h. All animal control licenses, including but not limited to pets, kennels, and pet shops. Establishment or construction of such a facility shall not be considered exempt by this subsection.~~

~~i. The renewal or reissuance of a license regulating any present activity or structure so long as no material changes are involved.~~

~~14. Activities of Agencies. The following administrative, fiscal and personnel activities of agencies shall be exempt:~~

~~a. The procurement and distribution of general supplies, equipment and services authorized or necessitated by previously approved functions or programs.~~

~~b. The assessment and collection of taxes.~~

~~c. The adoption of all budgets and agency requests for appropriation; provided, that if such adoption includes a final agency decision to undertake a major action, that portion of the budget is not exempted by this subsection.~~

~~d. The borrowing of funds, issuance of bonds, or applying for a grant and related financing agreements and approvals.~~

~~e. The review and payment of vouchers and claims.~~

~~f. The establishment and collection of liens and service billings.~~

~~g. All personnel actions, including hiring, terminations, appointments, promotions, allocations of positions, and expansions or reductions in force.~~

~~h. All agency organization, reorganization, internal operational planning or coordination of plans or functions.~~

~~i. Adoptions or approvals of utility, transportation and solid waste disposal rates.~~

~~j. The activities of school districts pursuant to desegregation plans or programs; however, construction of real property transactions or the adoption of any policy, plan or program for such construction of real property transaction shall not be considered exempt under this subsection.~~

~~15. Financial Assistance Grants. The approval of grants or loans by one agency to another shall be exempt, although an agency may at its option require compliance with SEPA prior to making a grant or loan for design or construction of a project. This exemption includes agencies taking nonproject actions that are necessary to apply for federal or other financial assistance.~~

~~16. Local Improvement Districts. The formation of local improvement districts, unless such formation constitutes a final agency decision to undertake construction of a structure or facility not exempted under WAC 197-11-800 and 197-11-880.~~

~~17. Information Collection and Research. Basic data collection, research, resource evaluation, requests for proposals (RFPs), and the conceptual planning of proposals shall be exempt. These may be strictly for information gathering, or as part of a study leading to a proposal that has not yet been approved, adopted or funded; this exemption does not include any agency action that commits the agency to proceed with such a proposal. (Also see WAC 197-11-070.)~~

~~18. Acceptance of Filings. The acceptance by an agency of any document or thing required or authorized by law to be filed with the agency and for which the agency has no discretionary power to refuse acceptance shall be exempt. No license shall be considered exempt by virtue of this subsection.~~

~~19. Procedural Actions. The proposal or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment shall be exempt. Agency SEPA procedures shall be exempt.~~

~~20. Building Codes. The adoption by ordinance of all codes as required by the state Building Code Act (Chapter 19.27 RCW).~~

~~21. Adoption of Noise Ordinances. The adoption by counties/cities of resolutions, ordinances, rules or regulations concerned with the control of noise which do not differ from regulations adopted by the Department of Ecology under Chapter 70.107 RCW. When a county/city proposes a noise resolution, ordinance, rule or regulation, a portion of which differs from the applicable state regulations (and thus requires approval of the Department of~~

~~Ecology under RCW 70.107.060(4)), SEPA compliance may be limited to those items which differ from state regulations.~~

~~22. Review and Comment Actions. Any activity where one agency reviews or comments upon the actions of another agency or another department within an agency shall be exempt.~~

~~23. Utilities. The utility related actions listed below shall be exempt, except for installation, construction, or alteration on lands covered by water. The exemption includes installation and construction, relocation when required by other governmental bodies, repair, replacement, maintenance, operation or alteration that does not change the action from an exempt class.~~

~~a. All communications lines, including cable TV, but not including communication towers or relay stations.~~

~~b. All stormwater, water and sewer facilities, lines, equipment, hookups or appurtenances including, utilizing or related to lines eight inches or less in diameter.~~

~~c. All electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of fifty five thousand volts or less; and the overbuilding of existing distribution lines (fifty five thousand volts or less) with transmission lines (more than fifty five thousand volts); and the undergrounding of all electric facilities, lines, equipment or appurtenances.~~

~~d. All natural gas distribution (as opposed to transmission) lines and necessary appurtenant facilities and hookups.~~

~~e. All developments within the confines of any existing electric substation, reservoir, pump station or well; provided, that additional appropriations of water are not exempted by this subsection.~~

~~f. Periodic use of chemical or mechanical means to maintain a utility or transportation right of way in its design condition; provided, that chemicals used are approved by the Washington State Department of Agriculture and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality in accordance with WAC 248-54-660.~~

~~g. All grants of rights of way by agencies to utilities for use for distribution (as opposed to transmission) purposes.~~

~~h. All grants of franchises by agencies to utilities.~~

~~i. All disposals of rights of way by utilities.~~

~~24. Natural Resources Management. In addition to the other exemptions contained in this section, the following natural resources management activities shall be exempt:~~

~~a. Issuance of new grazing leases covering a section of land or less; and issuance of all grazing leases for land that has been subject to a grazing lease within the previous ten years.~~

- ~~b. Licenses or approvals to remove firewood.~~
- ~~c. Issuance of agricultural leases covering one hundred sixty contiguous acres or less.~~
- ~~d. Issuance of leases for Christmas tree harvesting or brush picking.~~
- ~~e. Issuance of leases for school sites.~~
- ~~f. Issuance of leases for, and placement of, mooring buoys designed to serve pleasure-craft.~~
- ~~g. Development of recreational sites not specifically designed for all-terrain vehicles and not including more than twelve campsites.~~
- ~~h. Periodic use of chemical or mechanical means to maintain public park and recreational land; provided, that chemicals used are approved by the Washington State Department of Agriculture and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds that are controlled for the purpose of drinking water quality in accordance with WAC 248-54-660.~~
- ~~i. Issuance of rights-of-way, easements and use permits to use existing roads in nonresidential areas.~~
- ~~j. Establishment of natural area preserves to be used for scientific research and education and for the protection of rare flora and fauna, under the procedures of Chapter 79.70-RCW.~~

## ~~25. Personal Wireless Service Facilities.~~

- ~~a. The siting of personal wireless service facilities are exempt if the facility:~~
  - ~~i. Is a microcell and is to be attached to an existing structure that is not a residence or school and does not contain a residence or a school;~~
  - ~~ii. Includes personal wireless service antennas, other than a microcell, and is to be attached to an existing structure (that may be an existing tower) that is not a residence or school and does not contain a residence or school, and the existing structure to which it is to be attached is located in a commercial, industrial, manufacturing, forest, or agriculture zone; or~~
  - ~~iii. Involves constructing a personal wireless service tower less than sixty feet in height that is located in a commercial, industrial, manufacturing, forest, or agricultural zone.~~
- ~~b. For the purposes of this subsection:~~
  - ~~i. "Personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined by federal laws and regulations.~~

~~ii. “Personal wireless service facilities” means facilities for the provision of personal wireless services.~~

~~iii. “Microcell” means a wireless communication facility consisting of an antenna that is either:~~

~~(A) Four feet in height and with an area of not more than five hundred eighty square inches; or~~

~~(B) If a tubular antenna, no more than four inches in diameter and no more than six feet in length.~~

~~e. This exemption does not apply to projects within a critical area designated under GMA (RCW 36.70A.060).—~~

#### 21.08.130 Public notice.

A. Whenever possible, the city shall integrate the public notice required under this section with existing notice procedures for nonexempt permit(s) or approval(s) required for the proposal.

B. If a DNS is issued using the optional DNS process, the public notice requirements for notice of application/proposal in Section 20.14.065 of this code will suffice to meet the SEPA public notice requirements in WAC 197-11-510(1).

C. Whenever the city issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360(3) the city shall give public notice as follows:

1. If public notice is required for a nonexempt license, the notice shall state whether a DS or DNS has been issued and when comments are due.

2. If an environmental document is issued concurrently with the notice of application/proposal, the public notice requirements in Section 20.14.065 of this code will suffice to meet the SEPA public notice requirements in WAC 197-11-510(1).

3. If no public notice is otherwise required for the permit or approval, the city shall give public notice of the DNS or DS by:

a. Applicant Notice. The city shall deliver or mail notice to the applicant, or the person or entity designated by the applicant to receive notice.

b. Public Notice.

i. The city shall deliver or mail notice for nonexempt Level I and Level II proposals to the record owner(s) of property, as shown by the records of the Walla Walla County Assessor’s office, which is adjacent to the proposal site.

(A) If the owner of the proposal site owns another parcel or parcels of real property which lie adjacent to the proposal site, the notice shall be given to the record owner(s) of property, as shown by the records of the Walla Walla County Assessor’s office,

which is adjacent to any portion of the boundaries of the proposal site or such other adjacently located parcels owned by the same owner as the proposal site.

(B) The city shall additionally post notice on the city Internet website.

(C) The city shall additionally deliver or mail notice to parties that have filed a special notification request in accordance with Section 20.14.015 of this code.

ii. The city shall deliver or mail notice for nonexempt Level III proposals to the record owner(s) of property, as shown by the records of the Walla Walla County Assessor's office, which is adjacent to the proposal site.

(A) If the owner of the proposal site owns another parcel or parcels of real property which lie adjacent to the proposal site, the notice shall be given to the record owner(s) of property, as shown by the records of the Walla Walla County Assessor's office, which is adjacent to any portion of the boundaries of the proposal site or such other adjacently located parcels owned by the same owner as the proposal site.

(B) The city shall additionally post conspicuous notice at the proposal site and post notice on the city Internet website.

(C) The city shall additionally deliver or mail notice to parties that have filed a special notification request in accordance with Section 20.14.015 of this code.

iii. The city shall deliver or mail notice for nonexempt Level IV proposals to the record owner(s) of property, as shown by the records of the Walla Walla County Assessor's office, which is within four hundred feet of the proposal site, as measured from each property line of the proposal site.

(A) If the owner of the proposal site owns another parcel or parcels of real property which lie adjacent to the proposal site, the notice shall be given to the record owner(s) of property, as shown by the records of the Walla Walla County Assessor's office, which is within four hundred feet of any portion of the boundaries of the proposal site or such adjacently located commonly owned parcels, as measured from each property line.

(B) The city shall additionally post conspicuous notice at the proposal site and post notice on the city Internet website.

(C) The city shall additionally deliver or mail notice to parties that have filed a special notification request in accordance with Section 20.14.015 of this code.

iv. The city shall publish notice for nonexempt Level V and Level VI proposals in the Walla Walla Union Bulletin and post notice on the city Internet website.

v. The city shall deliver or mail notice for nonexempt proposals that are not otherwise identified in subsections (C)(3)(b)(i) through (iv) of this section to the record owner(s) of property, as shown by the records of the Walla Walla County Assessor's office, which is adjacent to the proposal site.

(A) If the owner of the proposal site owns another parcel or parcels of real property which lie adjacent to the proposal site, the notice shall be given to the record owner(s) of property, as shown by the records of the Walla Walla County Assessor's office, which is adjacent to any portion of the boundaries of the proposal site or such other adjacently located parcels owned by the same owner as the proposal site.

(B) The city shall additionally post notice on the city Internet website.

(C) The city shall additionally deliver or mail notice to parties that have filed a special notification request in accordance with Section 20.14.015 of this code.

4. Whenever the city issues a DS under WAC 197-11-360(3), the city shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408 and in the public notice.

D. Whenever the city issues a DEIS under WAC 197-11-455(5) or a SEIS under WAC 197-11-620, notice of the availability of those documents shall be given by:

1. Indicating the availability of the DEIS in any public notice required for a nonexempt license; and the city shall give public notice of by:

a. Applicant Notice. The city shall deliver or mail notice to the applicant, or the person or entity designated by the applicant to receive notice.

b. Public Notice.

i. The city shall deliver or mail notice for nonexempt Level I and Level II proposals to the record owner(s) of property, as shown by the records of the Walla Walla County Assessor's office, which is adjacent to the proposal site.

(A) If the owner of the proposal site owns another parcel or parcels of real property which lie adjacent to the proposal site, the notice shall be given to the record owner(s) of property, as shown by the records of the Walla Walla County Assessor's office, which is adjacent to any portion of the boundaries of the proposal site or such other adjacently located parcels owned by the same owner as the proposal site.

(B) The city shall additionally post notice on the city Internet website.

(C) The city shall additionally deliver or mail notice to parties that have filed a special notification request in accordance with Section 20.14.015 of this code.

ii. The city shall deliver or mail notice for nonexempt Level III proposals to the record owner(s) of property, as shown by the records of the Walla Walla County Assessor's office, which is adjacent to the proposal site.

(A) If the owner of the proposal site owns another parcel or parcels of real property which lie adjacent to the proposal site, the notice shall be given to the record owner(s) of property, as shown by the records of the Walla Walla County Assessor's office, which is adjacent to any portion of the boundaries of the proposal site or such other adjacently located parcels owned by the same owner as the proposal site.



(B) The city shall additionally post conspicuous notice at the proposal site and post notice on the city Internet website.

(C) The city shall additionally deliver or mail notice to parties that have filed a special notification request in accordance with Section 20.14.015 of this code.

iii. The city shall deliver or mail notice for nonexempt Level IV proposals to the record owner(s) of property, as shown by the records of the Walla Walla County Assessor's office, which is within four hundred feet of the proposal site, as measured from each property line of the proposal site.

(A) If the owner of the proposal site owns another parcel or parcels of real property which lie adjacent to the proposal site, the notice shall be given to the record owner(s) of property, as shown by the records of the Walla Walla County Assessor's office, which is within four hundred feet of any portion of the boundaries of the proposal site or such adjacently located commonly owned parcels, as measured from each property line.

(B) The city shall additionally post conspicuous notice at the proposal site and post notice on the city Internet website.

(C) The city shall additionally deliver or mail notice to parties that have filed a special notification request in accordance with Section 20.14.015 of this code.

iv. The city shall publish notice for nonexempt Level V and Level VI proposals in the Walla Walla Union Bulletin and post notice on the city Internet website.

v. The city shall deliver or mail notice for nonexempt proposals that are not otherwise identified in subsections (D)(1)(b)(i) through (iv) of this section to the record owner(s) of property, as shown by the records of the Walla Walla County Assessor's office, which is adjacent to the proposal site.

(A) If the owner of the proposal site owns another parcel or parcels of real property which lie adjacent to the proposal site, the notice shall be given to the record owner(s) of property, as shown by the records of the Walla Walla County Assessor's office, which is adjacent to any portion of the boundaries of the proposal site or such other adjacently located parcels owned by the same owner as the proposal site.

(B) The city shall additionally post notice on the city Internet website.

(C) The city shall additionally deliver or mail notice to parties that have filed a special notification request in accordance with Section 20.14.015 of this code.

E. Public notice for projects that qualify as planned actions shall be tied to the underlying permit as specified in WAC 197-11-172(3).

F. The city may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense.

***G. For nonexempt Level II, III, IV, V, and VI proposals, the city shall additionally provide notice as described in 20.14.065 WVMC.***

20.14.065 Notice of application/proposal.

A. Notice of Application/Proposal – Contents. Notice of application/proposal shall be given no later than fourteen days after the application has been determined to be complete. Notice of application/proposal is not required for interpretation requests or Level I proposals that are categorically exempt under SEPA, unless a special notification request has previously been made in accordance with Section 20.14.015. If the proposal requires an open record hearing, notice of application shall be given at least fifteen days prior to the hearing.

1. Notice of application/proposal shall include:

- a. The identity of the applicant;
- b. The date of the notice of application/proposal;
- c. Project description;
- d. Preliminary identification of existing environmental documents that evaluate the proposal and the location where the application and studies can be reviewed;
- e. A preliminary determination and reference to the relevant code provisions, development standards, and regulations which may apply to the approval of the application; a preliminary list of those regulations that will be used for project mitigation; and, if a mitigated DNS is expected to issue, a preliminary list of conditions being considered to mitigate environmental impacts;
- f. On the first page, notice that:
  - i. The city uses the optional threshold determination process authorized by WAC 197-11-355;
  - ii. The application comment period for nonexempt proposals may be the only opportunity to comment on the environmental impacts of the proposal;
  - iii. The proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an environmental impact statement is prepared; and
  - iv. A copy of the subsequent threshold determination on the proposal may be obtained upon request;
- g. The information required by Section 20.14.060(C);
- h. A statement identifying the public comment period, the right to comment on the application, receive notice of and participate in hearings, request a copy of decision on the proposal once made, and any appeal rights;

i. To the extent applicable, the date, time, place, and type of hearing upon the application if such hearing has been scheduled at the time the notice of application/proposal is given; and

j. Other information that the department determines to be appropriate to include.

2. The notice of application/proposal may incorporate by reference the determination of completeness to the extent that it substantially provides the information required herein. In such case, the notice of application/proposal and copies thereof shall attach a copy of the determination of completeness and additionally provide the information required herein that is not provided by the determination of completeness. A notice of application/proposal and copies thereof which by reference incorporates a determination of completeness shall also attach any copies of documents incorporated through reference by the determination of completeness. The department shall prepare and provide a separate notice of application/proposal containing the information required by this section if either:

a. A determination of completeness was not required for the proposal;

b. A determination of completeness was not timely prepared for the proposal; or

c. The determination of completeness substantially omits the information required by Section 20.14.060(C).

#### B. Notice of Application – How Given.

1. Applicant Notice. The department shall electronically deliver or mail notice of application/proposal to the applicant, or the person or entity designated by the applicant to receive notice. The notice of application/proposal may be provided to the applicant or applicant's designee contemporaneously with the determination of completeness.

2. Agency Notice. The department shall electronically mail notice of *all* applications/proposals that are not categorically exempt under SEPA *in accordance with Chapter 21.08 WWMC* to departments and agencies with *potential* jurisdiction over the project permit application. *The list of departments and agencies receiving notice shall be maintained by the development services department.*

3. Site Plan Review Committee Notice. The department shall electronically deliver notice of application/proposal to members of the site plan review committee if the proposal requires site plan review.

4. Sustainability Committee. The department shall electronically mail notice of applications/proposals that are not categorically exempt under SEPA to the city's sustainability committee.

#### 5. Public Notice.

a. The department shall electronically deliver or mail notice of application/proposal of interpretation requests and Level I proposals that are categorically exempt under SEPA to parties that have filed a special notification request in accordance with Section

20.14.015. Such notice shall explain that there is no comment period, and that the proposal is categorically exempt under SEPA.

b. Anyone who has filed a special notification request in accordance with Section 20.14.015 shall receive the notice of application.

c. The notice of application shall be provided as follows:

<b>Review Level</b>	<b>Notice Provided(1)</b>
Non-SEPA exempt Level I	• Mailed to adjacent property owners (2)
	• City's website
Level II	• Mailed to adjacent property owners (2)
	• City's website
Level III	• Property owners within 300 feet of project site boundaries
	• City's website
	• Post the project site in a conspicuous location
	• Publish in the Union-Bulletin
Level IV (3)	• Property owners within 400 feet of project site boundaries
	• City's website
	• Post the project site in a conspicuous location
	• Publish in the Union-Bulletin
Level IV – Shoreline Substantial Development Permits, Shoreline Conditional Use Permit, or Shoreline Variance (4)	• Property owners within 400 feet of project site boundaries
	• City's website
	• Post the project site in a conspicuous location
	• Publish in the Union-Bulletin two consecutive weeks on the same day of the week
Level V	• City's website
	• Publish in the Union-Bulletin
Level VI	• City's website
	• Publish in the Union-Bulletin
Annexation Proposals	• In accordance with Section 20.02.080 instead of this section
Prezone Proposals	• In accordance with the provisions of Chapter 35A.14 RCW instead of this section
Street Vacations	• In accordance with the provisions of Chapter 35.79 RCW instead of this section

(1) Notice is provided to the record owner(s) of property, as shown by the records of the Walla Walla County assessor's office.

(2) If the owner of the proposal site owns another parcel or parcels of real property which lie adjacent to the proposal site, the notice of application/proposal shall be given to the record owner(s) of property, as shown by the records of the Walla Walla County assessor's office, which is adjacent to any portion of the boundaries of the proposal site or such other adjacently located parcels owned by the same owner as the proposal site.

(3) Notice of subdivision preliminary plat proposals shall be given to the Washington State Secretary of Transportation if a proposed subdivision preliminary plat is located adjacent to the right-of-way of a state highway or within two miles of the boundary of a state or municipal airport.

(4) Notices regarding shoreline substantial development proposals shall additionally include a statement that any person desiring to submit written comments concerning an application, or desiring to receive notification of the final decision concerning the proposal as expeditiously as possible after the issuance of decision, may submit the comments or requests for decisions to the department within thirty days following the date of final publication of the notice of application; unless the proposal is for a limited utility extension or for the construction of a bulkhead or other measures to protect a single-family residence and its appurtenant structures from shoreline erosion, in which case comments must be submitted within twenty days following the date of final publication of the notice of application.

C. Combined Notice. Notice of application/proposal may be combined with notice of hearing if the hearing date has been set at the time notice of application/proposal is given. Each combined notice shall contain the notice of application/proposal information required herein and the notice of hearing information required by Section 20.14.085.

D. The department should document the date and manner by which any notice is given.

E. The department may remove posted notice upon expiration of the comment period.

F. Publication costs and costs incurred to post and remove notice at the proposal site shall be borne by the applicant in addition to other costs and fees which apply.

#### ***20.134.130 Inadvertent discovery of archaeological and cultural resources.***

***When an unanticipated discovery of protected cultural material (e.g., bones, shell, stone tools, beads, ceramics, old bottles, hearths, etc.) or human remains are discovered, the permittee(s) for any building or grading permit secured in accordance with this title shall immediately stop all work, completely secure the location, and contact the Washington State Department of Archaeology and Historic Preservation and other contacts as identified in the inadvertent discovery plan and procedures made available by the City of Walla Walla Development Services Department. The individual or representative whom the permit was issued to must send written notification of the inadvertent discovery to the City of Walla Development Services Department.***

#### **20.134.040 Pollutants and contaminants.**

A. ***Federal and state Ambient air quality standards specified in the National Ambient Air Quality Standards as regulated by the State Department of Ecology Regulation 80-7 of the***

~~Benton-Franklin-Walla-Walla Counties Air Pollution Control Authority~~ or in any subsequent amendments thereto shall apply to all contaminants listed therein.

B. Toxic substances (including asbestos, beryllium compounds, vinyl chlorides, and benzol and any others added to the toxics list of the U.S. Environmental Protection Agency Standards). Asbestos demolition (including the handling of scrap asbestos from any source) shall be conducted in accordance with the State Department of Ecology ~~and Benton-Franklin-Walla-Walla Counties Air Pollution Control Authority~~ requirements.

C. Liquid or solid wastes shall be disposed of in keeping with the best operating practices of the industry and in compliance with the regulations and requirements of local, regional, state, or federal agencies having jurisdiction in liquid or solid waste disposal and environmental health and safety.

D. Radioactive Materials and Radiation Devices. The use, transportation, storage, and disposal of all radioactive materials and handling devices shall be subject to the regulatory controls of any local, regional, state, or federal agency having jurisdiction.

E. Ground and Soil Contaminants. Materials used or created in any commercial/industrial process shall be handled in such a manner so as to prevent ground or soil contamination which destroys or endangers the support of natural vegetation, or which may pollute underground aquifers or other natural drainage systems.

# Exhibit 3

## SEPA checklist

# SEPA ENVIRONMENTAL CHECKLIST

## **Purpose of checklist**

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization, or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

## **Instructions for applicants**

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. **You may use “not applicable” or “does not apply” only when you can explain why it does not apply and not when the answer is unknown.** You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to **all parts of your proposal**, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

## **Instructions for lead agencies**

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

## **Use of checklist for nonproject proposals**

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B, plus the [Supplemental Sheet for Nonproject Actions \(Part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in “Part B: Environmental Elements” that do not contribute meaningfully to the analysis of the proposal.



## **A. Background** [Find help answering background questions](#)

### **1. Name of proposed project, if applicable:**

*City of Walla Walla SEPA Code Update – raising the flexible thresholds for minor new construction*

### **2. Name of applicant:**

*City of Walla Walla*

### **3. Address and phone number of applicant and contact person:**

*Preston Frederickson, Development Services Director*

*(509) 524-4735*

### **4. Date checklist prepared:**

*Draft Checklist Prepared 1/26/2023*

### **5. Agency requesting checklist:**

*WA Dept of Ecology, WA Dept of Commerce*

### **6. Proposed timing or schedule (including phasing, if applicable):**

*Planning Commission briefing 2/6/23*

*Planning Commission hearing 4/6/23*

*City Council study session 5/8/23*

*City Council to vote on adopting code before 6/30/23*

### **7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.**

*No future activity planned connected with this proposed code change.*

### **8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.**

*Technical memorandum on adequacy of city code protecting environmental and cultural resources, prepared for this code update process by LDC, Inc.*

**9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.**

No known applications pending directly related to this proposed code change.

**10. List any government approvals or permits that will be needed for your proposal, if known.**

*Public hearing*

*60-day SEPA comment period*

*City Council action to adopt code change.*

**11. Give a brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)**

*Walla Walla is proposing to amend WVMC 21.08 – State Environmental Policy Act (SEPA). Specifically, the City aims to increase the flexible thresholds for minor new construction as allowed under WAC 197-11-800(1). This is a nonproject proposal that would affect every project submitted for review to determine whether it is categorically exempt from SEPA review. The proposed code changes would raise the exemption for single-family residential units to 30 from 4; to 60 from 4 for multifamily units; to 30,000 square feet from 4,000 square feet for office, school, commercial, recreational, service, and storage buildings; to 90 parking spaces from 20; and to 1,000 cubic yards from 100 cubic yards of fill or excavation. The exemption level of 10,000 square feet of barn, loafing shed, farm equipment storage, produce storage, or packing structure is proposed to stay at this level.*

**12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.**

*This proposed code change would affect the entire city of Walla Walla.*

## **B. Environmental Elements**

### **1. Earth** [Find help answering earth questions](#)

**a. General description of the site:**

*The proposal's affected geographic area is the entire city of Walla Walla, which has a wide range of*

*topographical features.*

**Circle or highlight one: Flat, rolling, hilly, steep slopes, mountainous, other:**

*N/A; entire city of Walla Walla.*

**b. What is the steepest slope on the site (approximate percent slope)?**

*N/A; entire city of Walla Walla.*

**c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them, and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.**

*A wide range of soils can be found throughout the city. The Walla Walla area is characterized by Yakima sandy loam, Yakima fine sandy loam, Walla Walla silt loam, Yakima gravelly loam, and Yakima loam. Walla Walla has a small area of land in the northern area of the urban growth area (not within current city limits) that is designated as agricultural land of long-term commercial significance. This proposal would not affect any of this soil.*

**d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**

*Walla Walla has areas that are considered landslide hazard areas, seismic hazard areas, erosion hazard areas, and areas susceptible to other geologic events, including mass wasting, debris flows, rock falls, and differential settlement. Unstable soils are regulated in Chapter 21.04 of the Walla Walla Municipal Code.*

**e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.**

*This is a nonproject proposal. The proposal does include raising the exemption level for fill or excavation from 100 cubic yards to 1,000 cubic yards for a given project seeking approval from the city.*

**f. Could erosion occur because of clearing, construction, or use? If so, generally describe.**

*Nothing in this nonproject proposal would directly lead to erosion risk. Regulations in Chapter 21.04, particularly in 21.04.550 and 21.04.560, prevent erosion from occurring because of clearing, construction, or use in any project seeking city approval.*

**g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?**

*N/A – nonproject proposal, no construction activities proposed.*

**h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any.**

*N/A – nonproject proposal, no earth impacts anticipated. Regulations are in place in Walla Walla’s critical areas code to avoid or mitigate earth hazards.*

## **2. Air** [Find help answering air questions](#)

**a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.**

*N/A – proposal is a nonproject proposal and would not result in emissions to the air.*

**b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**

*N/A – proposal is a nonproject action.*

**c. Proposed measures to reduce or control emissions or other impacts to air, if any.**

*N/A – proposal is a nonproject action.*

## **3. Water** [Find help answering water questions](#)

**a. Surface Water:** [Find help answering surface water questions](#)

**1. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.**

*Walla Walla has several surface water bodies, including year-round and seasonal streams like Mill Creek, Yellowhawk Creek, and Garrison Creek.*

**2. Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.**

*N/A – proposal is a nonproject action.*

**3. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**

*N/A – proposal is a nonproject action.*

**4. Will the proposal require surface water withdrawals or diversions? Give a general description, purpose, and approximate quantities if known.**

*No, the proposal is a nonproject action.*

**5. Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.**

*N/A – proposal is a nonproject action. However, there is a portion of the City of Walla Walla that lies within the 100-year floodplain for Russell and Reser Creeks. These two creeks eventually flow into Yellowhawk Creek, which eventually flows into the Walla Walla River. The City of Walla Walla has floodplain regulations that cover development in the floodplain in Chapter 21.10 WVMC.*

**6. Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.**

*No, the proposal is a nonproject action.*

**b. Ground Water:** [Find help answering ground water questions](#)

**1. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give a general description, purpose, and approximate quantities if known.**

*No, the proposal is a nonproject action.*

**2. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.**

*N/A – proposal is a nonproject action.*

**c. Water Runoff (including stormwater):**

**1. Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.**

*This is a nonproject action. However, new development projects have to comply with the City of Walla Walla Stormwater Design Handbook and the Department of Ecology's Eastern Washington stormwater manual.*

**2. Could waste materials enter ground or surface waters? If so, generally describe.**

*No. The proposal is a nonproject action.*

**3. Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so,**

**describe.**

*No. Any projects, regardless of whether they are exempt from SEPA, have to handle their own stormwater impacts on the project site.*

**4. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any.**

*Any project that was categorically exempt from SEPA under the proposed code changes would still be subject to the City of Walla Walla's stormwater code and the Ecology Eastern Washington Stormwater Manual.*

**4. Plants** [Find help answering plants questions](#)

**a. Check the types of vegetation found on the site:**

- ☒ deciduous tree: alder, maple, aspen, other
- ☒ evergreen tree: fir, cedar, pine, other
- ☒ shrubs
- ☒ grass
- ☒ pasture
- ☒ crop or grain
- ☒ orchards, vineyards, or other permanent crops.
- ☒ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ☐ water plants: water lily, eelgrass, milfoil, other
- ☐ other types of vegetation

**b. What kind and amount of vegetation will be removed or altered?**

*N/A – proposal is a nonproject action.*

**c. List threatened and endangered species known to be on or near the site.**

*N/A – proposal is a nonproject action.*

**d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any.**

*N/A – proposal is a nonproject action.*

**e. List all noxious weeds and invasive species known to be on or near the site.**

Noxious weeds that can be found in the Walla Walla area include toadflax, hawkweeds, knapweed, knotweed, and spurge.

## 5. Animals [Find help answering animal questions](#)

- a. List any birds and other animals that have been observed on or near the site or are known to be on or near the site.

Examples include:

- Birds: hawk, heron, eagle, songbirds, other:
- Mammals: deer, bear, elk, beaver, other:
- Fish: bass, salmon, trout, herring, shellfish, other: Lamprey, freshwater mussels

- b. List any threatened and endangered species known to be on or near the site.

*Known to be bull trout and summer steelhead near Walla Walla.*

- c. Is the site part of a migration route? If so, explain.

*The entire city is in the Pacific Flyway.*

- d. Proposed measures to preserve or enhance wildlife, if any.

*N/A – proposal is a nonproject action.*

- e. List any invasive animal species known to be on or near the site.

*None to our knowledge – proposal is a nonproject action.*

## 6. Energy and Natural Resources [Find help answering energy and natural resource questions](#)

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

*None – proposal is a nonproject action.*

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

*None – proposal is a nonproject action.*

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.

*None – proposal is a nonproject action.*

## 7. Environmental Health [Find help with answering environmental health questions](#)

**a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur because of this proposal? If so, describe.**

**1. Describe any known or possible contamination at the site from present or past uses.**

*Not applicable, this is a nonproject action. However, some sites in Walla Walla do have potential contamination from past uses, like former gas station sites or former industrial uses.*

**a. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.**

*Natural gas pipelines run through Walla Walla. All ground-disturbing projects are required to call before digging to ensure no impact. That would not change as a result of this proposed nonproject action.*

**b. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.**

*None. This is a nonproject action.*

**c. Describe special emergency services that might be required.**

*None. This is a nonproject action.*

**d. Proposed measures to reduce or control environmental health hazards, if any.**

*None required or proposed. This is a nonproject action.*

## **b. Noise**

**1. What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?**

*There is general traffic noise throughout the city as well as some aircraft from flights to and from the Walla Walla Regional Airport.*

**2. What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site)?**

*A project that is exempt from SEPA review as a result of the proposed code change may generate construction noise in the short term and traffic noise in the long term.*



**3. Proposed measures to reduce or control noise impacts, if any.**

*All projects seeking approval from the city are regulated by WVMC 8.13, maximum permissible sound levels.*

**8. Land and Shoreline Use** [Find help answering land and shoreline use questions](#)

**a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.**

*Land within the city of Walla Walla includes residential, commercial, industrial, institutional, and parks and open space uses. This proposal nonproject action would apply new minor new construction exemptions from SEPA citywide as long as a project does not exceed these thresholds and is not otherwise pre-empted from exemption (action proposed on lands covered by water or a non-exempt land use action, for example).*

**b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses because of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?**

*The Walla Walla Valley has been used for agricultural purposes in the past. Walla Walla has a small area of land within the northern portion of its urban growth area (not within current city limits) designated agricultural land of long-term commercial significance. Nothing in this nonproject action would have any effect on this land.*

**1. Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how?**

*N/A – this is a nonproject action.*

**c. Describe any structures on the site.**

*N/A – this is a nonproject action.*

**d. Will any structures be demolished? If so, what?**

*N/A – this is a nonproject action.*

**e. What is the current zoning classification of the site?**

*Within Walla Walla, there are 10 zoning designations: Neighborhood Residential, Multi-Family Residential, Central Commercial, Highway Commercial, Light Industrial/Commercial, Heavy Industrial, Public Reserve, Airport Development, Airport Approach Overlay, and Urban Planned Communities.*

**f. What is the current comprehensive plan designation of the site?**

*The land use designations identified in the comprehensive plan are Airport, Commercial, Industrial, Residential, Multifamily, Master Plan Community, and Public.*

**g. If applicable, what is the current shoreline master program designation of the site?**

*N/A – this is a nonproject action. Walla Walla has an identified shoreline of the state along Mill Creek.*

**h. Has any part of the site been classified as a critical area by the city or county? If so, specify.**

*Critical areas exist throughout the city and are regulated by Chapter 21.04 WVMC.*

**i. Approximately how many people would reside or work in the completed project?**

*N/A – this is a nonproject action.*

**j. Approximately how many people would the completed project displace?**

*None. This is a nonproject action.*

**k. Proposed measures to avoid or reduce displacement impacts, if any.**

*N/A – this is a nonproject action.*

**l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any.**

*N/A – this is a nonproject action. Walla Walla's development code contains numerous provisions designed to ensure compatibility between neighboring land uses.*

**m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any.**

*N/A – this is a nonproject action.*

**9. Housing** [Find help answering housing questions](#)

**a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.**

*N/A – this is a nonproject action.*

**b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.**

*None – this is a nonproject action.*

**c. Proposed measures to reduce or control housing impacts, if any.**

*None – this is a nonproject action. Raising the thresholds for minor new construction can help reduce permitting requirements for badly needed housing of various types whose minor impacts are already mitigated through the city's development regulations.*

**10. Aesthetics** [Find help answering aesthetics questions](#)

**a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**

*N/A – this is a nonproject action.*

**b. What views in the immediate vicinity would be altered or obstructed?**

*N/A – this is a nonproject action.*

**c. Proposed measures to reduce or control aesthetic impacts, if any.**

*N/A – this is a nonproject action.*

**11. Light and Glare** [Find help answering light and glare questions](#)

**a. What type of light or glare will the proposal produce? What time of day would it mainly occur?**

*None. This is a nonproject action.*

**b. Could light or glare from the finished project be a safety hazard or interfere with views?**

*N/A – this is a nonproject action.*

**c. What existing off-site sources of light or glare may affect your proposal?**

*N/A – this is a nonproject action.*

**d. Proposed measures to reduce or control light and glare impacts, if any.**

*N/A – this is a nonproject action.*

**12. Recreation** [Find help answering recreation questions](#)

**a. What designated and informal recreational opportunities are in the immediate vicinity?**

*N/A – this is a nonproject action. Numerous recreation opportunities can be found throughout the city of Walla Walla.*

**b. Would the proposed project displace any existing recreational uses? If so, describe.**

*N/A – this is a nonproject action.*

**c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities**

to be provided by the project or applicant, if any.

*N/A – this is a nonproject action.*

### **13. Historic and Cultural Preservation** [Find help answering historic and cultural preservation questions](#)

- a. **Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.**

*N/A – this is a nonproject action. However, the City of Walla Walla has a local register of historic places. Modifications to a structure on the local register requires prior approval by the Historic Preservation Commission.*

- b. **Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.**

*N/A – this is a nonproject action. However, Walla Walla has several tribal nations with histories in and around Walla Walla, including the Nez Perce, the Confederated Tribes of Umatilla Reservation – Cayuse, Umatilla, and Walla Walla, and the Yakama Nation.*

- c. **Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.**

*Not applicable. The RHAP is a non-project action. However, SEPA determinations and environmental checklists are provided to agencies with jurisdiction for review and comments. Staff also utilizes DAHP's WISSARD to research any potential cultural/historic resources within the vicinity of a project.*

- d. **Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.**

*As part of this code update, the City of Walla Walla is ensuring that all projects, including SEPA exempt projects, better protect cultural resources by codifying requirements of who receives notice about projects in the city's general permit administration code as well as codifying inadvertent discovery language for all permits for construction or clearing and grading.*

### **14. Transportation** [Find help with answering transportation questions](#)

- a. **Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.**

*Public streets within the city range from arterials to local residential streets. There are two state highways, SR 125 and Highway 12, that run through the city limits of Walla Walla.*

- b. **Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?**

*Not applicable. This is a non-project action. However, Valley Transit provides service throughout Walla Walla and surrounding areas.*

- c. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle, or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

*N/A – this is a nonproject action.*

- d. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

*N/A – this is a nonproject action.*

- e. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

*None – this is a nonproject action.*

- f. Will the proposal interfere with, affect, or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

*No. This is a nonproject action.*

- g. Proposed measures to reduce or control transportation impacts, if any.

*N/A – this is a nonproject action.*

## 15. Public Services [Find help answering public service questions](#)

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

*N/A – this is a nonproject action.*

- b. Proposed measures to reduce or control direct impacts on public services, if any.

*N/A – this is a nonproject action.*

## 16. Utilities [Find help answering utilities questions](#)

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

*N/A – this is a nonproject action.*

### C. Signature [Find help about who should sign](#)

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Type name of signee: Jon Maland

Position and agency/organization: Senior Planner

Date submitted: 2/1/2023

### D. Supplemental sheet for nonproject actions [Find help for the nonproject actions worksheet](#)

**IT IS NOT REQUIRED** to use this section for project actions.

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

**1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?**

*The proposal, which is to increase the minor new construction categorical exemptions from SEPA review in accordance with the flexible thresholds allowed under the Department of Ecology's administrative code, would not directly increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise. Projects that would newly be exempted from SEPA review under the proposed code changes would have these impacts prevented or mitigated by existing code and regulations. Additionally, the minor new construction thresholds do not apply when a project is undertaken wholly or partly on lands covered by water, requires a license governing discharges to water that is not exempt under RCW [43.21C.0383](#), requires a license governing emissions to air that is not exempt under RCW [43.21C.0381](#) or WAC 197-11-800(7) or (8), or requires a land use decision that is not exempt under WAC 197-11-800(6).*

- **Proposed measures to avoid or reduce such increases are:**

*City critical areas and other codes are in place to avoid or reduce such increases, as documented in the technical memorandum prepared as part of this proposed nonproject action. Additionally, the City of Walla Walla studied the cumulative impact of additional development in the FEIS issued May 22, 2018 for its comprehensive plan update.*

**2. How would the proposal be likely to affect plants, animals, fish, or marine life?**

*There are no anticipated impacts to plants, animals, fish, or marine life. City critical areas code in Chapter 21.04 WWMC adequately protect fish and wildlife habitat areas as well as wetlands, trees, and other critical areas and their buffers.*

- **Proposed measures to protect or conserve plants, animals, fish, or marine life are:**

*If new construction is proposed that would involve critical areas then compliance with the jurisdictions' Critical Areas Ordinance and landscaping standards if development proposed.*

**3. How would the proposal be likely to deplete energy or natural resources?**

*The proposal is not likely to deplete energy or natural resources.*

- **Proposed measures to protect or conserve energy and natural resources are:**

*Construction and remodel projects are required to meet the state energy code. Regarding natural resources, the City looks a tree removal as it reviews development projects for compliance with the landscaping regulations; is groundwater being impacted by the project; what level of ground disturbance is proposed by a project, etc.*

**4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection, such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?**

*Adoption of the proposed code changes not affect environmentally sensitive areas, which are governed by the city's critical areas code, or impact areas such as parks, which are managed by the city. If new construction is proposed and sensitive areas involved in the proposal, then the project would also be required to comply with the city's Critical Areas Ordinance, which adequately protects sensitive areas as documented in the technical memorandum.*

- **Proposed measures to protect such resources or to avoid or reduce impacts are:**

*In addition to existing code, which adequately protects, parks, rivers, threatened or endangered species habitat, wetlands, floodplains, and prime farmlands, the technical memorandum proposes (and draft code includes) changes to code regarding who receives notices of projects and inadvertent discovery language for all permits for construction or clearing and grading in the city. This will help better protect cultural resources and ensure that interested parties are notified even when projects are exempt from SEPA review.*

**5. How would the proposal be likely to affect land and shoreline use, including whether it**

**would allow or encourage land or shoreline uses incompatible with existing plans?**

*It is not anticipated that the proposed code change would affect land and shoreline use, as the city's zoning code, comprehensive plan, and shoreline master program already address land use compatibility, and any proposed project, whether SEPA exempt or not, must be consistent with the city's code and plans.*

- **Proposed measures to avoid or reduce shoreline and land use impacts are:**

*The city's land use code and shoreline master program adequately address impacts to shorelines and adjacent land uses.*

**6. How would the proposal be likely to increase demands on transportation or public services and utilities?**

*If new development is proposed that is newly exempt from SEPA review as part of this proposal, this new development will invariably increase demands on transportation or public services and utilities. However, the city's comprehensive plan has already studied the cumulative impacts of development in the 20-year planning horizon on transportation and public services and utilities.*

- **Proposed measures to reduce or respond to such demand(s) are:**

*City code is in place to respond to transportation impacts through concurrency and utility system development charges.*

**7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.**

*Not aware of the proposed conflicting with local, state, or federal laws.*



Exhibit 4

Final Technical  
Memorandum

**DATE:** March 22, 2023

**FROM:** Matt Covert, Senior Planner, LDC, Inc.  
Clay White, Director of Planning, LDC, Inc.

**TO:** Preston Frederickson, Development Services Director, City of Walla Walla  
Jon Maland, Senior Planner, City of Walla Walla

**SUBJECT:** Final Technical memorandum regarding updating City of Walla Walla SEPA code update

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## Background

The Walla Walla City Council passed Ordinance 2021-23 on August 11, 2021, adopting a Regional Housing Action Plan. The Regional Housing Action Plan included recommendations for potential code changes that can increase housing supply. One of these potential code changes was adopting higher categorical exemptions under the State Environmental Policy Act (SEPA, adopted as [RCW 43.21C](#)) for residential or mixed-use development.

To advance the recommendations in the Regional Housing Action Plan, the City of Walla Walla is proposing to amend WWMC 21.08 – State Environmental Policy Act (SEPA). Specifically, the City aims to increase the flexible thresholds for minor new construction as allowed under [WAC 197-11-800\(1\)](#).

This technical memorandum evaluates how the proposed changes to the City's SEPA code complies with the requirements of WAC 197-11-800 for increasing SEPA exemptions and recommends potential code changes to strengthen environmental and cultural resource protections.

## Introduction

The State Environmental Policy Act (SEPA), adopted May 1971, is codified in RCW 43.21C and implemented through the Department of Ecology's administrative code under WAC 197-11. The purpose of SEPA is to "(1) ...encourage productive and enjoyable harmony between humankind and the environment; (2) to promote efforts which will prevent or eliminate damage to the environment...; (3) [to] stimulate the health and welfare of human beings; and (4) to enrich the understanding of the ecological systems and natural resources...". SEPA is a procedural statute designed to ensure that potential environmental effects of a proposed action or project are surfaced, evaluated, and mitigated or prevented.

In the decades since SEPA has become law, many other state laws have been adopted that require jurisdictions to enact regulations that protect the environment and provide for public notice. This includes, but is not limited to, the 1990 Growth Management Act (GMA), which requires local governments to enact critical areas regulations, the 1971-72 Shoreline Management Act, which requires all counties and most towns and cities to prepare and implement shoreline master programs, and stormwater regulations and permitting which implements requirements under the Clean Water Act. In most cases around the state, cities and counties have adopted regulations covering almost every element covered under the SEPA.

In addition, the GMA ([RCW 36.70A](#)) and the Local Project Review Act ([RCW 36.70B](#)) outline substantial requirements for community, Tribal, and local, state, and federal agency engagement during policy, code, and permit processes. SEPA is no longer the only process by which public notice is provided since these laws were enacted in the 1990s and implemented through local codes and processes.

To account for these additional layers of environmental protection and public engagement opportunities that did not exist when SEPA was created, updates to the administrative rules over the years have created various optional avenues under which specific types of projects or decisions can be exempt from review under SEPA. This has allowed cities and counties across the state the ability to modify their SEPA requirements as development regulations are adopted that protect the environment and mitigate impacts associated with project actions.

The City of Walla Walla has evaluated the requirements for increasing categorical exemptions for minor new construction flexible thresholds in WAC 197-11-800. To adopt these changes, the rules outline conditions which must be met. This memorandum addresses those requirements.

It is important to note that adopting higher SEPA exemption levels will not reduce the city's ability to mitigate environmental impacts associated with project actions. It only recognizes that impacts will be mitigated and conditioned for these projects using existing city code (and state and federal rules and laws), rather than SEPA. The reliance on existing development regulations to mitigate impacts instead of SEPA is also discussed in WAC 197-11-158, which in summary provides that a city or county planning under the Growth Management Act can decide that a project's potential impacts are adequately addressed and mitigated under the comprehensive plan, any subarea plans, and/or the jurisdiction's development regulations and incorporate specific findings therein in a SEPA determination of non-significance.

## **Flexible Thresholds for Minor New Construction**

### Overview

In 1984, the state developed SEPA rules (WAC 197-11-800) that outline certain types of projects that are categorically exempt from SEPA threshold determinations and Environmental Impact Statement (EIS) processes. WAC 197-11-800(1) outlines flexible thresholds for minor new construction. The flexibility comes from the range of exemptions provided for in the 800(1) subsection. This has allowed cities and counties around the state to tailor exemption levels that fit their community.

Under WAC 197-11-800(1)(b), certain levels and types of new construction are categorically exempt from SEPA. The following are the minimum exemptions for minor new construction:

- (i) The construction or location of four detached single family residential units.
- (ii) The construction or location of four multifamily residential units.
- (iii) The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 10,000 square feet, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots.
- (iv) The construction of an office, school, commercial, recreational, service or storage building with 4,000 square feet of gross floor area, and with associated parking facilities designed for twenty automobiles. This exemption includes parking lots for twenty or fewer automobiles not associated with a structure.
- (v) Any fill or excavation of 100 cubic yards throughout the total lifetime of the fill or excavation and any excavation, fill or grading necessary for an exempt project in (i), (ii), (iii), or (iv) of this subsection shall be exempt.

Under WAC 197-11-800(1)(c) and (d), cities can raise the exemption levels up to maximums outlined in part 800(1)(d). The City of Walla Walla currently has exemption levels for minor new construction that reflect the minimum exemptions (adopted in 1984).

### City of Walla Walla proposal

Minor new construction maximum exemption levels, contained in WAC 197-11-800(1), were increased in 2013 and again in December 2022 by the state Department of Ecology to what is shown in the table below. These changes recognized that almost all minor new construction projects now have impacts mitigated through development regulations, rather than through SEPA. This also recognizes the number of regulations cities and counties have adopted over the past 50 years.

The 2013 and 2022 WAC changes also recognized that planning requirements around the State of Washington are not the same for all cities and counties. Some counties and cities around the state are required to do more planning than others and therefore are likely to have more regulations in place to mitigate project impacts than those jurisdictions with fewer planning requirements and regulations. The maximum levels the City of Walla Walla can adopt are bolded in the table below.

Project types	Fully planning GMA counties			All other counties
	<b>Incorporated UGA</b>	Unincorporated UGA	Other unincorporated areas	Incorporated and unincorporated areas
Single family residential	<b>30 units</b>	30 units	20 units	20 units
Single family residential with the total square footage less than 1,500 square feet	<b>100 units</b>	30 units	20 units	20 units
Multifamily residential	<b>200 units</b>	60 units	25 units	25 units
Barn, loafing shed, farm equipment storage, produce storage or packing structure	<b>40,000 square feet</b>	40,000 square feet	40,000 square feet	40,000 square feet
Office, school, commercial, recreational, service, storage building, parking facilities	<b>30,000 square feet and 90 parking spaces</b>	30,000 square feet and 90 parking spaces	12,000 square feet and 40 parking spaces	12,000 square feet and 40 parking spaces
Fill or excavation	<b>1,000 cubic yards</b>	1,000 cubic yards	1,000 cubic yards	1,000 cubic yards

Maximum exemption levels – WAC 197-11-800(1)(d)

Currently, the City of Walla Walla has adopted the minimum exemptions. The following table compares the minimum exemptions, which are the current exemption levels adopted in [WWMC 21.08.181](#), and the proposed exemptions, which are near the maximums or in between the minimums and maximums allowed under the flexible thresholds in WAC 197-11-800. The proposed exemptions were discussed in a Planning Commission working session on February 6, 2023. The Commission recommended keeping the exemption level for barns, loafing sheds, farm equipment storage, produce storage or packing structure at 10,000 square feet. The Commission also recommended, after staff presentation and discussion of the residential units exemptions, adopting the 30 single-family and 60 multifamily units exemptions that were the maximum prior to the December 2022 rules update.

However, in a rules interpretation dated March 1, 2023, the Department of Ecology announced that subdivisions for projects that fall under the minor new construction exemptions will now be considered exempt from SEPA. As Walla Walla does not yet have a traffic impact fee program that would enable the City to collect fees from projects and use them to help pay for improvements that are in the Capital Facilities Plan that add capacity, it remains dependent for the time being on SEPA to compel applicants to mitigate traffic impacts (especially offsite improvements). Because of this, and because of subdivision design provisions in code ([WWMC 19.30.030](#)) that limits subdivisions using one access point to 14 lots or

fewer, staff are recommending 14 units as an appropriate minor new construction exemption limit for single-family units.

	<b>Minimum exemptions and current exemptions under WWMC 21.08.181</b>	<b>Proposed exemptions</b>
<b>Project types</b>		
Single family residential	4 units	14 units
Multifamily residential	4 units	60 units
Barn, loafing shed, farm equipment storage, produce storage or packing structure	10,000 square feet	10,000 square feet, provided that said structure is to be used by the property owner or his/her agent in the conduct of permitted farming on the property
Office, school, commercial, recreational, service, storage building, parking facilities	4,000 square feet and 20 parking spaces	30,000 square feet and 90 parking spaces
Fill or excavation	100 cubic yards	1,000 cubic yards

Source: WAC 197-11-800(1) and WWMC 21.08.181

For reference, Kennewick has adopted the 30-60 residential unit exemptions, as has the City of Spokane Valley. Wenatchee, Richland, Pullman, and the City of Spokane have adopted 20 units of either single- or multi-family housing. Closer to home, College Place's minor new construction exemptions are 9 units of residential, 30,000 square feet of agricultural facility, 30,000 square feet of commercial, 90 parking spaces, and 200 cubic yards of fill or excavation. Walla Walla County does not have a flexible threshold adopted for residential units, but the agricultural exemption is 30,000 square feet, the commercial exemption is 12,000 square feet, and the fill or excavation exemption is 500 cubic yards. These neighboring jurisdictions serve as a useful reference point and place Walla Walla in good company in adopting higher flexible thresholds.

An important caveat is that these exemptions would not apply to projects that:

- Are proposed wholly or partly on lands covered by water
- Requires a license governing discharges to water not exempt under RCW 43.21C.0383
- Requires a license governing emission to air not exempt under RCW 43.21C.0381 or WAC 197-11-800(7-8)
- Requires a land use decision that is not exempt under WAC 197-11.800(6). Land use decisions that are exempt from SEPA under this WAC are:
  - Land use decisions for exempt projects, except for rezones;
  - Other land use decisions, like home occupations or use changes, subject to conditions;
  - If an exempt project requires a rezone, the rezone is exempt if certain conditions are met;
  - Short subdivisions, except on lands covered by water (this also applies to binding site plans up to the same number of lots allowed as a short subdivision);
  - Granting of variances based on special circumstances (size, shape, topography, location or surroundings) and not resulting in any change in land use or density; and
  - Alteration of property lines as exempted from subdivision statute in RCW 58.18.040.

This means that a subset of potential land use decisions, including but not limited to conditional uses, development agreements, a range of rezones, shoreline substantial development permits, and legislative actions like development code amendments, comprehensive plan amendments, and annexations would not be categorically exempt under WAC 197-11-800. Please note that this list no longer includes subdivisions that fall under the minor new construction thresholds and do not trip any of the other exceptions; these fall under the Interpretive Statement on Subdivision SEPA Exemptions discussed on pages 3 and 4 of this memorandum.

#### Technical analysis

To adopt thresholds above the minimums outlined in WAC 197-11-800(1)(b), certain public noticing, documentation and analysis is required. The following table outlines each required criterion and how the City of Walla Walla meets WAC 197-11-800(1)(c) requirements for raising exemption levels.

<b>WAC 197-11-800(1)(c) requirements for raising exemption levels</b>	<b>Response</b>
(i) Documentation that the requirements for environmental analysis, protection and mitigation for impacts to elements of the environment (listed in WAC 197-11-444) have been adequately addressed for the development exempted. The requirements may be addressed in specific adopted development regulations, and applicable state and federal regulations. The city, town, or county must document the result of its outreach with the department of transportation on impacts to state-owned transportation facilities, including consideration of whether mitigation is necessary for impacts to state-owned transportation facilities.	<p>See table below for analysis showing the requirements for environmental analysis, protection and mitigation for impacts to elements of the environment (listed in WAC 197-11-444) have been adequately addressed for the developments which would be exempted. The requirements may be addressed in specific adopted development regulations, and applicable state and federal regulations.</p> <p>Walla Walla has two state-owned transportation facilities within city limits – US Highway 12 (US-12), and State Route 125 (SR-125). The City coordinates with WSDOT whenever there is a public or private improvement that impacts their facility in any significant way. For example, granting agencies typically require WSDOT coordination and/or concurrence for improvements occurring on or adjacent to state highways. Additionally, any proposed connections to the state highways require WSDOT coordination. If a private project requires a TIA and is located adjacent to or near a state highway, the TIA will be provided to WSDOT and their comments incorporated in the development conditions.</p> <p>Furthermore, the Transportation Element of Walla Walla's Comprehensive Plan identifies level of service, crash data, and roadway improvements related to both US-12 and SR-125, indicating that <a href="#">WWMC 20.51</a>, Concurrency Management, is used to mitigate impacts to US-12 and SR-125.</p>
(ii) Description in the findings or other appropriate section of the adopting ordinance or resolution of the locally established notice and comment opportunities for the public, affected tribes, and	The adopting ordinance will outline the notice and comment opportunities for the public, affected tribes, and agencies regarding permitting of

<p>agencies regarding permitting of development projects included in these increased exemption levels.</p>	<p>development projects included in these increased exemption levels.</p>
<p>(iii) Before adopting the ordinance or resolution containing the proposed new exemption levels, the agency shall provide a minimum of sixty days' notice to affected tribes, agencies with expertise, affected jurisdictions, the department of ecology, and the public and provide an opportunity for comment.</p>	<p>60-day notice of the intent to adopt an ordinance to increase the exemptions levels will be provided to the following: affected tribes, agencies with expertise, affected jurisdictions, the department of ecology, and the public and provide an opportunity for comment. Agency notifications will include all tribes listed in the next section that currently receive notices from the City of Walla Walla.</p> <p>State and federal agencies:</p> <ul style="list-style-type: none"> <li>• WA Department of Ecology (SEPA register)</li> <li>• WA Department of Agriculture</li> <li>• WA Department of Commerce</li> <li>• WA Department of Health</li> <li>• WA Department of Fish and Wildlife</li> <li>• WA Department of Natural Resources</li> <li>• WA Department of Transportation</li> <li>• WA Department of Archaeology and Historical Preservation</li> <li>• WA State Parks</li> <li>• US Army Corps of Engineers</li> </ul> <p>Jurisdictions/Local Agencies:</p> <ul style="list-style-type: none"> <li>• City of College Place</li> <li>• Walla Walla County</li> <li>• Walla Walla County Health Department</li> <li>• Port of Walla Walla</li> <li>• Valley Transit</li> <li>• Walla Walla Basin Watershed Council</li> <li>• Walla Walla Public Schools</li> <li>• Walla Walla Valley MPO</li> </ul> <p>Tribal Nations:</p> <ul style="list-style-type: none"> <li>• Nez Perce</li> <li>• Confederated Tribes of Umatilla Indian Reservation – Cayuse, Umatilla, Walla Walla</li> <li>• Yakama Nation</li> </ul> <p>The code update process will follow Walla Walla Municipal Code (WWMC) Chapter 20.28 as a Level V action (legislative action involving public hearings before the planning commission, which makes a recommendation to the City Council) and will be supplemented, as necessary, to meet the noticing requirements of WAC 197-11-800.</p>



<p>(iv) The city, town, or county must document how specific adopted development regulations and applicable state and federal laws provide adequate protections for cultural and historic resources when exemption levels are raised. The requirements for notice and opportunity to comment for the public, affected tribes, and agencies in (c)(i) and (ii) of this subsection and the requirements for protection and mitigation in (c)(i) of this subsection must be specifically documented. The local ordinance or resolution shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> <li>• Use of available data and other project review tools regarding known and likely cultural and historic resources, such as inventories and predictive models provided by the Washington department of archaeology and historic preservation, other agencies, and tribal governments.</li> <li>• Planning and permitting processes that ensure compliance with applicable laws including chapters <a href="#">27.44</a>, <a href="#">27.53</a>, <a href="#">68.50</a>, and <a href="#">68.60</a> RCW.</li> <li>• Local development regulations that include at minimum pre-project cultural resource review where warranted, and standard inadvertent discovery language (SIDL) for all projects.</li> </ul>	<p>City of Walla Walla development regulations and applicable state and federal laws currently will provide adequate protections for cultural and historic resources for the exemptions being proposed. Additions to the Walla Walla Municipal Code to ensure adequate protections are proposed below.</p> <p>The WWMC contains special notice provisions in WWMC 20.14.015. Under this code, a party may request special notification of applications, environmental checklists, determinations, notices, hearings, and decisions regarding a proposal or type of proposal by filing a written request with the city. Requests for special notice lapse after one year and can be re-filed.</p> <p>Level III and up applications require notice under current city code.</p> <p>Currently, the city sends SEPA notices to the following agencies and jurisdictions:</p> <p>State and federal agencies:</p> <ul style="list-style-type: none"> <li>• WA Department of Ecology (SEPA register)</li> <li>• WA Department of Agriculture</li> <li>• WA Department of Commerce</li> <li>• WA Department of Health</li> <li>• WA Department of Fish and Wildlife</li> <li>• WA Department of Natural Resources</li> <li>• WA Department of Transportation</li> <li>• WA Department of Archaeology and Historical Preservation</li> <li>• WA State Parks</li> <li>• US Army Corps of Engineers</li> </ul> <p>Jurisdictions/Local Agencies:</p> <ul style="list-style-type: none"> <li>• City of College Place</li> <li>• Walla Walla County</li> <li>• Walla Walla County Health Department</li> <li>• Port of Walla Walla</li> <li>• Valley Transit</li> <li>• Walla Walla Basin Watershed Council</li> <li>• Walla Walla Public Schools</li> <li>• Walla Walla Valley MPO</li> </ul> <p>Tribal Nations:</p> <ul style="list-style-type: none"> <li>• Nez Perce</li> <li>• Confederated Tribes of Umatilla Indian Reservation – Cayuse, Umatilla, Walla Walla</li> <li>• Yakama Nation</li> </ul>
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	<p>Raising the exemption levels will not change the types of applications where notice will be provided.</p> <p>As part of this project, the city plans to codify the above-mentioned public noticing requirements (who is notified).</p> <p><b>Recommendation</b> – The City, as part of the update to SEPA code required to adopt the categorical exemptions described herein, should adopt broader agency notice into code.</p> <p><b>Recommendation</b> – The City, as part of the update to SEPA code required to adopt the categorical exemptions described herein, should adopt standard inadvertent discovery language in code. This would apply to any permit for construction or clearing and grading. Standard language for inadvertent discovery procedures could look like the following:</p> <p>“When an unanticipated discovery of protected cultural material (e.g., bones, shell, stone tools, beads, ceramics, old bottles, hearths, etc.) or human remains are discovered, the permittee(s) for any building and grading permit secured in accordance with this title shall immediately stop all work, completely secure the location, and contact the Washington State Department of Archaeology and Historic Preservation and other contacts as identified in the inadvertent discovery plan and procedures made available by the City of Walla Walla Development Services Department. The individual or representative to whom the permit was issued must send written notification of the inadvertent discovery to the City of Walla Development Services Department.”</p>
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The following table provides documentation that the requirements for environmental analysis, protection, and mitigation for impacts to elements of the environment (listed in WAC 197-11-444) have been adequately addressed for the development exempted under both the minor new construction flexible thresholds categorical exemptions and the infill categorical exemption examined in the next section of this memo.

<b>Elements of the Environment as listed in WAC 197-11-444</b>	<b>How impacts are adequately addressed in specific adopted development regulations, and applicable state and federal regulations</b>
Natural Environment	

<p>(a) Earth (i) Geology (ii) Soils (iii) Topography (iv) Unique physical features (v) Erosion/enlargement of land area (accretion)</p>	<p><b><u>WWMC 21.04.500</u> – Geologically Hazardous Areas –</b></p> <p>A. Geologically hazardous areas include areas susceptible to erosion, sliding, earthquake, or other geological events. The following regulations, in combination with the performance standards for development, will guide development in these critical areas. The purpose of these regulations is to maintain the natural integrity of hazardous areas and their buffers in order to protect adjacent lands from the impacts of landslides, mudslides, subsidence, excessive erosion and seismic events, and to safeguard the public from these threats to life or property. Geologically hazardous areas are designated as those areas that are susceptible to one or more of the following types of hazards:</p> <ol style="list-style-type: none"> <li>1. Erosion hazard;</li> <li>2. Landslide hazard;</li> <li>3. Seismic hazard;</li> <li>4. Other geological events including mass wasting, debris flows, rock falls, and differential settlement.</li> </ol> <p><b><u>WWMC 21.04.520</u></b> Activities allowed in geologically hazardous areas</p> <p><b><u>WWMC 21.04.550</u></b> Performance standards – general requirements (for geologically hazardous areas)</p> <p><b><u>WWMC 21.04.560</u></b> Performance standards – specific hazards</p> <p><b><u>WWMC 13.16</u> – Construction and Post-Construction Stormwater</b>  – The City adopts its own City of Walla Walla Stormwater Design Standards Handbook, and the Stormwater Management Manual for Eastern Washington (SWMMEW).</p> <p>The following objectives apply:</p> <p>A. Prevent accelerated soil erosion and control stormwater runoff both during and after construction through the use of best management practices.</p> <p>B. Eliminate the need for costly maintenance and repairs to roads, embankments, ditches, streams, wetlands, and stormwater control facilities due to inadequate soil erosion and stormwater runoff control.</p> <p>C. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety.</p> <p><i>Per 13.16.070, projects may be applied differently dependent upon size and the amount of clearing and grading to be performed.</i></p> <p><i>Additionally, WWMC 21.04.540 (2-4.) establishes requirements for geotechnical analysis, reports, and hazard analysis to be accepted by the City.</i></p>
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	<p><b><i>Overall, the City of Walla Walla's critical areas and construction and post-construction stormwater code adequately protect earth resources and protect the public from geological hazards.</i></b></p>
<p>(b) Air (i) Air quality (ii) Odor (iii) Climate</p>	<p><b>RCW 70A.15 – Washington Clear Air Act</b> - Commercial and industrial businesses that emit large amounts of air pollution must get an air operating permit. An air operating permit is a master document that lists all the air pollution requirements that apply to a business or industry. Ecology and other clean air agencies in Washington issue these permits.</p> <p>The Department of Ecology (DOE) regulates odors for certain uses, such as composting facilities. Permits are required through the DOE.</p> <p><b><u>WWMC 20.134.040</u> – Pollutants and contaminants</b></p> <p>A. Ambient air quality standards specified in Regulation 80-7 of the Benton-Franklin-Walla Walla Counties Air Pollution Control Authority or in any subsequent amendments thereto shall apply to all contaminants listed therein.</p> <p>B. Toxic substances (including asbestos, beryllium compounds, vinyl chlorides, and benzol and any others added to the toxics list of the U.S. Environmental Protection Agency Standards). Asbestos demolition (including the handling of scrap asbestos from any source) shall be conducted in accordance with the State Department of Ecology and Benton-Franklin-Walla Walla Counties Air Pollution Control Authority requirements.</p> <p><b><u>WWMC 8.05.030(F)</u> – Burning of refuse or other material</b></p> <p>The City regulates nuisances under Chapter 8.05 WWMC. Section F of that chapter provides that “the burning of refuse or other material in such a manner as to cause or permit the smoke, ashes, soot or gases arising from such burning to become discomforting or annoying, or to injure or endanger the health of any person or neighborhood” constitutes a nuisance. The city prohibits and provides for abatement of this conduct (which is coterminous with localized air pollution) under WWMC 8.05.050 through 8.05.090. <a href="#">RCW 9.66</a> provides the statutory basis for regulating nuisances, air pollution and otherwise.</p> <p><b>WWMC 12.49.025 – Urban Forestry</b> – The City maintains an urban forestry management plan (UFMP) for adoption by the city council. The UFMP shall incorporate the following elements: (a) a statement of policies and objectives for urban forest management in Walla Walla; (b) an inventory of street trees and other public trees, providing information needed for planning and maintenance of the urban forest; (c) a city-wide street and public tree planting and renewal program, providing for new plantings and the replacement of declining and diseased trees, including schedules and probable budget requirements; (d) arboricultural standards for tree planting, pruning, maintenance, and selection; (e) other standards or criteria necessary to carry out the purposes of this chapter and the UFMP; and (f) a process for the UFMP's continued updating and improvement.</p>

	<p><b><u>WWMC 12.49.50</u></b> – Heritage Trees The City defines, registers, and protects heritage trees. This has a positive effect on air quality and climate. Protection of heritage trees also furthers environmental justice and equity goals because of the environmental health benefits of protected tree canopy.</p> <p><b>WWMC 19.30.040(B), and 19.32.020(E)</b> – Street Trees – The city regulates planting of street trees by requiring trees to be planted and maintained in any city street, park, public right-of-way or easement, street trees on private property, or on other city property. This is important because more and healthier street trees, and an urban tree canopy more broadly, improve air quality, act as a carbon sink, and provide localized relief from extreme temperatures. Standards for tree installation, pruning, maintenance, removal, and replacement are set by the code and the urban forestry advisory commission and administered by the municipal arborist. The forestry principle of ten-twenty-thirty is in the municipal code as a foundational rule for street trees that governs species, genus, and family diversity. Code also sets forth the responsible parties for installing and maintaining new street trees at different stages of development.</p> <p><i>The City’s regulations and the Department of Ecology adequately protect from impacts to air resources. The City should update its pollutants and contaminants code to reflect the administration of these standards by the Department of Ecology, as the Benton-Franklin-Walla Walla Counties Air Pollution Control Authority no longer exists.</i></p>
<p>(c) Water (i) Surface water movement/quantity/quality (ii) Runoff/absorption (iii) Floods (iv) Groundwater movement/quantity/quality (v) Public water supplies</p>	<p><b><u>WWMC 13.06</u></b> – Stormwater Management Utility</p> <p><b><u>WWMC 20.134.040</u></b> – Pollutants and contaminants – see analysis above</p> <p><b><u>WWMC 21.04.300</u></b> - Wetlands</p> <p><b><u>WWMC 21.04.400</u></b> Frequently Flooded Areas</p> <p><b>WWMC <u>21.04.600</u></b> Fish and Wildlife Conservation Areas all provide protections and mitigate impacts to sensitive areas within the city.</p> <p><b>WWMC 21.04.200-21.04.260 – Critical aquifer recharge areas</b> – provides protections for groundwater. <a href="#">WWMC 21.04.220</a> details activities allowed in CARAs, while a critical areas report for a CARA must meet additional requirements found in <a href="#">WWMC 21.04.230</a>.</p> <p>The City’s <a href="#">Shoreline Master Program</a> (last updated in June 2018) provides further protection of water resources within shoreline jurisdiction.</p> <p><i>The City’s existing critical areas and stormwater management code adequately protects water resources for new development proposals.</i></p>

<p>(d) Plants and animals (i) Habitat for and numbers or diversity of species of plants, fish, or other wildlife (ii) Unique species (iii) Fish or wildlife migration routes</p>	<p><b><u>WWMC 21.04.600</u> Fish and Wildlife Conservation Areas</b> – Fish and wildlife habitat conservation regulations include:</p> <p><b><u>WWMC 21.04.640</u> Performance Standards – General Requirements</b></p> <p><b><u>WWMC 21.04.650</u> Performance Standards – Specific habitats</b></p> <p><b><u>WWMC 21.04.660</u> Performance Standards – Subdivisions</b></p> <p><b><u>WWMC 21.04.670</u> Piped streams</b></p> <p><b><u>WWMC 21.04.671</u> Mitigation standards</b></p> <p><b>WWMC 21.04.300-350</b> Wetlands – Wetland regulations include:</p> <p><b><u>WWMC 21.04.340</u> Performance standards – General requirements</b></p> <p><b><u>WWMC 21.04.341</u> Signs and fencing of wetlands</b></p> <p><b><u>WWMC 21.04.342</u> Performance standards- Wetland buffer averaging</b></p> <p><b><u>WWMC 21.04.343</u> Performance standards – Wetland buffer increase</b></p> <p><b><u>WWMC 21.04.344</u> Performance standards – Wetland buffer decrease</b></p> <p><b><u>WWMC 21.04.345</u> Performance standards – Buffer management plan</b></p> <p><b><u>WWMC 21.04.346</u> Performance standards - Specific activities and uses</b></p> <p><b><u>WWMC 21.04.347</u> Mitigation requirements</b></p> <p><b><u>WWMC 21.04.348</u> Wetland mitigation plan</b></p> <p><b><u>WWMC 21.04.350</u> Wetland Mitigation Banks</b></p> <p><b><u>WWMC 12.49.025</u> – Urban Forestry</b> – The City maintains an urban forestry management plan (UFMP) for adoption by the city council. The UFMP shall incorporate the following elements: (a) a statement of policies and objectives for urban forest management in Walla Walla; (b) an inventory of street trees and other public trees, providing information needed for planning and maintenance of the urban forest; (c) a city-wide street and public tree planting and renewal program, providing for new plantings and the replacement of declining and diseased trees, including schedules and probable budget requirements; (d) arboricultural standards for tree planting, pruning, maintenance, and selection; (e)</p>
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	<p>other standards or criteria necessary to carry out the purposes of this chapter and the UFMP; and (f) a process for the UFMP's continued updating and improvement.</p> <p><b><u>WWMC 12.49.50 – Heritage Trees</u></b>  The City defines, registers, and protects heritage trees. This has a positive effect on air quality and climate. Protection of heritage trees also furthers environmental justice and equity goals because of the environmental health benefits of protected tree canopy.</p> <p><b><i>WWMC 19.30.040(B), and 19.32.020(E) – Street Trees –</i></b>  The city regulates planting of street trees by requiring trees to be planted and maintained in any city street, park, public right-of-way or easement, street trees on private property, or on other city property. Standards for tree installation, pruning, maintenance, removal, and replacement are set by the code and the urban forestry advisory commission and administered by the municipal arborist. The forestry principle of ten-twenty-thirty is in the municipal code as a foundational rule for street trees that governs species, genus, and family diversity. Code also sets forth the responsible parties for installing and maintaining new street trees at different stages of development.</p> <p>This is important because a more diverse urban tree canopy is more resistant to disease and provides a wider range of habitat for animals, mycorrhizal fungi, and other organisms that depend on trees.</p> <p><b><i>The city's critical areas and urban forestry regulations adequately protect plant and animal habitat.</i></b></p>
<p>(e) Energy and natural resources (i) Amount required/rate of use/efficiency (ii) Source/availability (iii) Nonrenewable resources (iv) Conservation and renewable resources (v) Scenic resources</p>	<p><b><u>WWMC 15.04 – Technical Building Codes</u></b> – the city has adopted the International Building Code, International Mechanical Code amended, Uniform Plumbing Code, International Residential Code, International Green Construction Code, Uniform Code for the Abatement of Dangerous Buildings, International Existing Building Code, International Fire Code, International Energy Conservation Code, International Fuel Gas Code, International Property Maintenance Code, International Swimming Pool and Spa Code, adopted by the state are implemented through building regulations mitigate impacts for structures associated with projects and provide for energy conservation.</p> <p><b><u>WWMC 20.156 – Electric Vehicle Infrastructure –</u></b>  In accordance with WWMC 20.156.010, the purpose of the chapter includes the following regarding electrical vehicle infrastructure:  A. To provide an opportunity for placement of adequate and convenient electric vehicle charging stations to serve the needs of the traveling public.</p> <p>B. To provide residents opportunities for safe and efficient electric charging stations located at their place of residence.</p>

	<p>C. To provide the opportunity for commercial and industrial uses to provide electric vehicle charging stations to their customers and employees.</p> <p>D. To provide placement criteria and placement standards to encourage and promote safe and efficient electric vehicle charging opportunities in a full range of zones and settings for convenience of service to those that use electric vehicles.</p> <p><b>WAC 51-50-0429 – Electric vehicle charging infrastructure –</b> Requires that all jurisdiction mandate ten percent of parking spaces shall be provided with electric vehicle charging infrastructure. When the calculation of percent served results in a fractional parking space, the applicant shall round up to the next whole number. (Exceptions include R-3 and Group U Occupancies as defined in the Building Code (IRC/IBC))</p> <p><b>WWMC 19.26</b> – Planned Unit Developments WWMC 19.26.010 allows the use of PUDs to allow flexible, creative, and innovative design for difficult sites that preserve scenic qualities among other resources.</p> <p><b><i>The City's municipal code adequately addresses energy resources through adoption of updated building codes, provision of electric vehicle charging infrastructure, and developments that preserve scenic resources.</i></b></p>
Built Environment	
(a) Environmental health (i) Noise (ii) Risk of explosion (iii) Releases or potential releases to the environment affecting public health, such as toxic or hazardous materials	<p><b>WWMC 8.13 – Maximum permissible sound levels</b> – This chapter is a complement to, and not in conflict with, Chapter 70.107 RCW, the Noise Control Act of 1974, and Chapters 173-58, 173-60 and 173-62 WAC, which regulate excessive noise using a performance-based code that sets exact decibel levels of tolerable noise. This chapter regulates excessive noise as a nuisance as authorized by WAC 173-60-060.</p> <p>The code does regulate and mitigate impacts of noise associated with development proposals including use of heavy construction equipment and sets maximum noise levels and hours with which certain noise levels are permitted.</p> <p><b>WWMC 21.04 – Aquifers</b> – <a href="#">WWMC 21.04.200</a> through .260 designates various critical aquifer recharge areas.</p> <p>The WWMC 21.04.220 chapter provides a list of activities allowed in critical aquifer recharge areas pursuant to Section 21.04.085.</p> <p>A. Construction of structures and improvements, including additions, resulting in less than five percent or three thousand five hundred square feet (whichever is greater) total site impervious surface area that does not result in a change of use or increase the use of a hazardous substance.</p> <p>B. Development and improvement of parks, recreation facilities, open space, or conservation areas resulting in less than five percent total site impervious surface area that do not increase the use of a hazardous substance.</p>



	<p>C. On-site domestic septic systems releasing less than five hundred gallons of effluent per day and that are limited to a maximum density of one system per one acre.</p> <p><b><u>WWMC 20.134.040</u> – Pollutants and contaminants</b></p> <p>A. Ambient air quality standards specified in Regulation 80-7 of the Benton-Franklin-Walla Walla Counties Air Pollution Control Authority or in any subsequent amendments thereto shall apply to all contaminants listed therein.</p> <p>B. Toxic substances (including asbestos, beryllium compounds, vinyl chlorides, and benzol and any others added to the toxics list of the U.S. Environmental Protection Agency Standards). Asbestos demolition (including the handling of scrap asbestos from any source) shall be conducted in accordance with the State Department of Ecology and Benton-Franklin-Walla Walla Counties Air Pollution Control Authority requirements.</p> <p><b><u>WWMC 8.05.030(F)</u> – Burning of refuse or other material</b></p> <p>The City regulates nuisances under Chapter 8.05 WWMC. Section F of that chapter provides that “the burning of refuse or other material in such a manner as to cause or permit the smoke, ashes, soot or gases arising from such burning to become discomforting or annoying, or to injure or endanger the health of any person or neighborhood” constitutes a nuisance. The city prohibits and provides for abatement of this conduct (which is coterminous with localized air pollution) under WWMC 8.05.050 through 8.05.090. <a href="#">RCW 9.66</a> provides the statutory basis for regulating nuisances, air pollution and otherwise.</p> <p><b>The Department of Ecology</b> manages Hazardous Waste and Toxics Reduction program and enforces Washington's toxics laws, including the Dangerous Waste regulations that many businesses need to comply with. We also offer technical assistance to businesses to reduce or eliminate their use of hazardous chemicals, work to identify safer chemical alternatives, support the development of green chemistry, and test consumer products for toxic chemicals.</p> <p>Hazardous Waste and Toxics Reduction programs and services:</p> <ul style="list-style-type: none"><li>• Inspecting businesses that generate large quantities of hazardous waste</li><li>• Providing technical assistance to help businesses reduce their use of toxic chemicals</li><li>• Testing consumer products for toxics to ensure manufacturers comply with Washington's toxics laws</li><li>• Collecting reports from manufacturers on toxics in products under Washington's Children's Safe Products Act</li><li>• Developing chemical action plans to reduce the impacts of toxic chemicals.</li><li>• Collecting information on hazardous waste generation</li><li>• Collecting information on chemical storage</li><li>• Collecting pollution prevention plans from businesses</li></ul>
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	<ul style="list-style-type: none"> <li>• Administering Washington's hazardous waste generation fee</li> <li>• Overseeing cleanup and permitting for current and former chemical facilities</li> <li>• Coordinating Washington's Pollution Prevention Assistance program</li> </ul> <p><b><i>The City of Walla Walla and the Department of Ecology adequately protect environmental health through existing regulations. The city should update its pollutants and contaminants code to reflect that these regulations are administered by the Department of Ecology.</i></b></p>
<p>(b) Land and shoreline use  (i) Relationship to existing land use plans and to estimated population (ii) Housing (iii) Light and glare (iv) Aesthetics (v) Recreation (vi) Historic and cultural preservation (vii) Agricultural crops</p>	<p>The City of Walla Walla has adopted several Titles that regulate and mitigate potential impacts associated with development projects and proposals.</p> <p>This includes <b>Title 15 – Buildings and Construction, Title 19 – Subdivisions and Title 20 – Zoning, Title 21- Environment.</b></p> <p>Specific code sections that regulate the impact of projects on land use, housing, light, aesthetics, recreation, historical preservation, and agriculture are noted below.</p> <p><b><u>WWMC 20.50 Land Use Zones – General intent:</u></b> The zoning districts established and described in this chapter are intended to implement the Land Use Element and Housing Element policies of the Walla Walla Urban Area Comprehensive Plan consistent with the Washington Growth Management Act by establishing minimum site dimensional and design criteria to assure land use compatibility and promote public health, safety, and welfare.</p> <p>Housing is provided for and the impacts mitigated through several land use code sections. Title 20 outlines housing which is allowed within the various zones located in the city. The City of Walla Walla adopted major zoning changes in 2018 that collapsed all single-family zones into a “RN,” or Neighborhood Residential, zone that effectively legalized more diverse middle housing types in all formerly single-family zones.</p> <p>Light and glare is regulated in several code sections, including <b><u>WWMC 20.178.090 – Lighting</u></b> - Outside lighting shall be minimal, and downtown businesses are encouraged to rely on ambient lighting provided by streetlights for the safe illumination of the sidewalk area. Low wattage lighting may be used to highlight an entryway provided no glare is cast out onto the sidewalk. Merchants are also encouraged to illuminate window displays and interior spaces; provided, that no glare is cast onto the sidewalk area. Flashing or strobe type lighting is prohibited.</p> <p>Aesthetics and beauty are also regulated throughout WWMC. <b><u>WWMC 20.204.010</u></b> encourages signs that are compatible with the architectural style, characteristics and scale of the building to which it may be attached, and to encourage signs that are compatible with adjacent buildings and businesses. <b><u>WWMC 9.17.180</u></b> states that a person shall not dig in or otherwise disturb grass areas, or in any other way injure or</p>

	<p>impair the natural beauty or usefulness of any area; Lastly, all development is subject to aesthetic standards such as open space and landscaping requirements.</p> <p>Historical and cultural uses are reviewed for during the development process. Pursuant to the definitions in <a href="#">WVMC 2.27.050</a> Any building, structure, site, object, or district may be designated for inclusion in the city of Walla Walla register of historic places if it is significantly associated with the history, architecture, archaeology, engineering, or cultural heritage of the community; if it has integrity; is at least fifty years old, or is of lesser age and has exceptional importance.</p> <p><i>This technical memorandum deals with notification and inadvertent discovery and includes code recommendations in the previous compliance table.</i></p> <p><b><a href="#">WVMC 20.146</a></b>  Establishes a means by which the beauty and authenticity of Walla Walla’s historic structures may be conserved as reminders of the community’s heritage.</p> <p><i>There are no agricultural lands of long-term commercial significance in the city of Walla Walla. There is a small area of land within the urban growth area between the Washington State Penitentiary and the Veterans Memorial Golf Course that is designated as long-term commercially significant agricultural land by the Walla Walla County Comprehensive Plan – see page 295 of the Walla Walla County Comprehensive Plan as adopted August 5, 2019.</i></p> <p><b><i>The City adequately addresses or will upon passage of these SEPA code changes adequately address impacts to land use, housing, light and glare, aesthetics, and historic and cultural resources. The status of the agricultural land designated as having long-term commercial significance should be coordinated with Walla Walla County as part of the next Comprehensive Plan periodic update cycle. Walla Walla County currently maps this area as split between industrial and low-density residential future land uses, so its long-term status of agricultural significance is unclear. If preserving some of this land in agricultural uses is deemed valuable as part of the comprehensive plan periodic update process, the city’s Public Reserve zone permits general agricultural and floricultural uses and could be an effective option to protect this resource.</i></b></p>
(c) Transportation (i) Transportation systems (ii) Vehicular traffic (iii) Waterborne, rail, and air traffic (iv) Parking (v) Movement/circulation of	<p><b><a href="#">WVMC 20.51</a> – Concurrency Management</b> – The primary purpose of this chapter is to establish regulations which ensure that at the time of new development, public facilities and services are in place or are adequately planned to avoid the predicament of development after development decreasing levels of service leading to complete failure of facilities or services with no funding plan in sight.</p>

<p>people or goods (vi)  Traffic hazards</p>	<p><b><u>WWMC 20.126 – Off-Street Parking and Loading Standards</u></b> – The city requires off-street parking and loading spaces in this section. It also regulates how much bicycle parking is provided as well as lighting, design, construction, maintenance, time limits, and other provisions.</p> <p>The City of Walla Walla reduced residential parking requirements as part of its zoning code overhaul in 2018. This further reduced the amount of required parking whose impact would have to be mitigated against by landscaping and screening requirements.</p> <p>The City of Walla Walla is currently exploring the possible development of a traffic impact fee program. Washington state law authorizes local governments to impose impact fees in accordance with RCW 82.02.050 and RCW 82.02.090. Fees must be used to pay for public facilities listed in the City’s Capital Facilities Plan or used to reimburse the city for the unused capacity of existing facilities. RCW 82.02.100, furthermore, establishes that fees cannot be duplicative (i.e., both impact fee and SEPA mitigation) for the same project. A traffic impact fee would therefore replace fees recovered through SEPA mitigation for traffic impacts. While adoption of a traffic impact fee ordinance does not create additional regulations or mitigation that was not available before, using an impact fee rather than using SEPA mitigation to recover system impacts from new traffic generated is more consistent, predictable, reasonably related to the Capital Facilities Plan, and legally defensible from appeals.</p> <p>WWMC 20.102.040 regulates where and how pedestrian and bicycle access and circulation must be provided.</p> <p><b><i>Overall, the City’s development regulations adequately address environmental impacts from transportation. Adoption of a traffic impact fee will add predictability and certainty to paying for improvements to the transportation system.</i></b></p> <p><b><i>Currently, the City uses SEPA to mitigate traffic impacts, especially offsite improvements. This affects the decision on where to set the minor new construction threshold for single-family units. WWMC 19.30.030, in the subdivision code, requires subdivisions of more than 14 lots to have 2 or more access points. Subdivisions with more than one public road access point are significantly more likely to require frontage or offsite traffic improvements that raise the likelihood that SEPA mitigation would be needed under the current practices. This relationship resulted in the staff recommendation that 14 units be set as the minor new construction threshold for single-family units. A traffic impact fee will also enable the City to consider further raising the minor new construction flexible threshold for single-family units above the 14 analyzed in this technical memorandum. The City can use the 14-unit threshold to collect data over several years and, with the addition of data on the traffic impact fee revenue and expenditures if and when that is</i></b></p>
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	<b><i>adopted, use those data to inform whether to raise the threshold further.</i></b>
(d) Public services and utilities (i) Fire (ii) Police (iii) Schools (iv) Parks or other recreational facilities (v) Maintenance (vi) Communications (vii) Water/stormwater (viii) Sewer/solid waste (ix) Other governmental services or utilities	<p>The City adopts public facility requirements in <a href="#">Chapter 19.32 WWMC</a> for services including streets, water system, sewer system, storm drainage, fire protection, and underground utilities. This further implements the summary of projected demand and levels of service for city-provided services in the Comprehensive Plan, including water, wastewater, stormwater, solid waste, fire and EMS, police, parks and recreation, public library, and municipal services facilities (p. CFU-13, Walla Walla Comprehensive Plan Update).</p> <p>Public services and utilities are regulated through <a href="#">WWMC Title 13</a>. This code includes <b>WWMC 13.03 Sewer Utility – Regulations and Rates, WWMC 13.04 Regulations and Rates, 13.05 Stormwater Management Utility – Regulations and Rates, WWMC 13.10 Utility Excise Tax</b></p> <p><b><a href="#">WWMC 8.20 – Garbage Collection and Disposal</a></b> – The City requires that all residents within City limits must accept solid waste collection or disposal services unless by special permission.</p> <p><b><a href="#">WAC 51-50-009 – Recyclable materials, compost, and solid waste storage</a></b> – Requires that all local jurisdictions shall require that space be provided for the storage of recycled materials, compost, and solid waste for all new buildings. (Exceptions include R-3 and Group U Occupancies as defined in the Building Code (IRC/IBC))</p> <p><b><i>Public services and facilities are adequately addressed in development regulations and comprehensive planning.</i></b></p>

## Conclusion

Based upon review of the requirements to raise exemption levels in WAC 197-11-800(1)(c) and (d), we conclude that the City of Walla Walla qualifies to raise exemption levels to the proposed levels if the recommended changes to code are made. It will be important to document that notice requirements have been met for a Level V action and that the enabling ordinance provides proper findings and conclusions as required by the rules.

## **Infill Development Exemption Under RCW 43.21C.229**

### Overview

The State Environmental Policy Act was updated in 2003 (and amended in 2012 and again in 2020) to create the infill categorical exemption. RCW 43.21C.229 allows projects actions to be deemed exempt from SEPA review when undertaken in an area developed at or below the intensity described in the Comprehensive Plan if the requirements of state law are met and the area has been the subject of an environmental assessment.

### City of Walla Walla proposal

The City of Walla Walla considered exempting all residential development, mixed use development, and commercial development up to 65,000 square feet, excluding retail, from the requirements of SEPA for

development proposals within the City of Walla Walla where density and intensity of use is roughly equal to or lower than called for in the goals and policies of the Walla Walla Comprehensive Plan. This was based on the Environmental Impact Statement conducted as part of the last comprehensive plan update in 2018. Staff have decided not to pursue the infill exemption at this time, but the analysis below will help the city set the stage for possibly pursuing the exemption in the future once further environmental analysis can be completed as part of the 2025 comprehensive plan periodic update.

#### Technical analysis

To adopt an infill categorical exemption, ordinance certain public noticing, documentation and analysis is required. The following table outlines each required criterion and how the City of Walla Walla meets RCW 43.21C.229.

<b>Requirements in RCW 43.21C.229</b>	<b>How RCW 43.21C.229 will be met</b>
<p>(1) In order to accommodate infill development and thereby realize the goals and policies of comprehensive plans adopted according to chapter 36.70A RCW, a city or county planning under RCW 36.70A.040 is authorized by this section to establish categorical exemptions from the requirements of this chapter. An exemption adopted under this section applies even if it differs from the categorical exemptions adopted by rule of the department under RCW 43.21C.110(1)(a). An exemption may be adopted by a city or county under this section if it meets the following criteria:</p> <p>(a) It categorically exempts government action related to development proposed to fill in an urban growth area, designated according to RCW 36.70A.110, where current density and intensity of use in the area is roughly equal to or lower than called for in the goals and policies of the applicable comprehensive plan and the development is either:</p> <p>(i) Residential development;</p> <p>(ii) Mixed-use development; or</p> <p>(iii) Commercial development up to sixty-five thousand square feet, excluding retail development;</p> <p>(b) It does not exempt government action related to development that is inconsistent with the applicable comprehensive plan or would clearly exceed the density or intensity of use called for in the goals and policies of the applicable comprehensive plan;</p>	<p><u>The infill exemption will need to be designated by Ordinance and codified in the City's SEPA Code.</u></p> <p>The city would have to draft a proposed ordinance and code amendment to exempt all proposed development within an area for which an environmental assessment has been completed and where current density and intensity of use is roughly equal to or lower than called for by the comprehensive plan that is residential, mixed-use, or commercial development up to 65,000 square feet, excluding retail development.</p> <p>An example ordinance with findings has been prepared that the Development Services Department can adapt and modify to suit the needs of a Supplemental Environmental Impact Statement or new EIS.</p> <p>If the City of Walla Walla conducts an updated environmental analysis on specific areas of the city where an infill exemption would apply as part of the coming comprehensive plan periodic update, development that is consistent with the comprehensive plan in areas that have been accurately characterized by the EIS as roughly equal to or lower in intensity and density than</p>

<p>(c) The local government considers the specific probable adverse environmental impacts of the proposed action and determines that these specific impacts are adequately addressed by the development regulations or other applicable requirements of the comprehensive plan, subarea plan element of the comprehensive plan, planned action ordinance, or other local, state, or federal rules or laws; and</p> <p>(d)(i) The city or county's applicable comprehensive plan was previously subjected to environmental analysis through an environmental impact statement under the requirements of this chapter prior to adoption; or</p> <p>(ii) The city or county has prepared an environmental impact statement that considers the proposed use or density and intensity of use in the area proposed for an exemption under this section.</p> <p>(2) Any categorical exemption adopted by a city or county under this section shall be subject to the rules of the department adopted according to RCW 43.21C.110(1)(a) that provide exceptions to the use of categorical exemptions adopted by the department.</p>	<p>planned for in the plan would be properly exempted.</p> <p>In 2018, when adopting its most recent Comprehensive Plan, the City of Walla Walla prepared an Environmental Impact Statement to assess the environmental impacts associated with its projected population and employment growth within the city and urban growth area as a whole. The Final EIS was adopted as part of the Comprehensive Plan adoption. This meets the requirements of RCW 43.21C.229(1)(d)(i).</p> <p>This EIS studied environmental impacts to all the categories of environmental resources outlined in SEPA by comparing existing conditions to the projected land uses in each development alternative. The Preferred Alternative identified in the EIS accommodates the projected population growth from 2017 through 2038. The net increase in population between 2017 and 2038 is 5,690 for a total population of 39,530 (from <a href="#">Walla Walla Comprehensive Plan</a>). As of April 2022, the estimated population of the City of Walla Walla is 34,020. This is well within what was studied under the EIS.</p> <p>The EIS documents anticipated impacts resulting from the adoptive growth targets and ways in which those impacts can be mitigated through code and planning as outlined within this document. However, because the 2018 EIS studied growth city-wide and because reaching the city-wide growth target would have considerable variation across different parts of the city, staff believe a targeted approach looking at specific zones or subareas where infill development is most needed and most feasible would be a better use of this categorical exemption than simply exempting the whole city and urban growth area.</p> <p>The environmental checklist completed for the Regional Housing Action Plan documents the ways in which that plan might result in environmental impacts and the ways in which it anticipates and actually mitigates impacts under the substantive elements of SEPA. For example, the plan includes strategies to avoid or reduce displacement. The plan identifies gaps in housing availability, recommending actions that, if undertaken by the cities party to the plan could result in increased</p>
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	emissions to air and noise as a part of construction. These impacts would be mitigated by state agencies and city code, although some impacts by construction are unavoidable as part of additional housing development. Compliance with existing critical areas and other code would be required of any specific development that arose in part as a result of the Regional Housing Action Plan.
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Conclusion

Based upon review of the requirements in RCW 43.21C.229, we conclude that the City of Walla Walla qualifies to adopt an infill categorical exemption. However, given the broad nature of the impacts of future growth studied in the 2018 EIS, the city believes this exemption would be better used in combination with a more detailed environmental analysis in concert with the 2025 comprehensive plan periodic update that examines growth within certain zones or subareas of the city. It will be important to document that noticing requirements have been met and the enabling ordinance provides proper findings and conclusions as required by the statute.

Sincerely,

**LDC, Inc.**



Matt Covert, AICP  
Senior Planner

# Exhibit 5

## Notice of Application



# NOTICE OF APPLICATION

FILE# ZCA-23-0003, SEP-23-0005

**Summary:** The applicant, the City of Walla Walla is requesting Walla Walla Municipal Code text amendments to Walla Walla Municipal Code 19.24 and 21.08. The City requests to increase the flexible thresholds for minor new construction as allowed under WAC 197-11-800(1). This is a non-project proposal that would affect every project submitted for review to determine whether it is categorically exempt from SEPA review.

The proposed code changes include the raising of the exemption levels for single-family residential units from four to 30; 60 for multifamily residential units; from 4,000 square feet to 30,000 square feet for office, school, commercial, recreational, service, and storage buildings; from 20 parking spaces to 90 parking spaces; and from 100 cubic yards to 1,000 cubic yards of fill or excavation, and other related code changes.

Notice is hereby given on this date: **February 21, 2023**, that a development regulation amendment application/ proposal described in this notice has been filed with the City of Walla Walla Development Services. **The application documents may be reviewed at the City of Walla Walla Development Services Department at 55 E. Moore Street, Walla Walla or by visiting the city's website at <https://www.wallawallawa.gov/government/development-services/public-notice>.**

All interested persons and parties may comment on the application, receive notice of hearing and/or a copy of decision(s) made on the proposal by filing a special notice request with the City of Walla Walla as provided in section 20.14.015 of the Walla Walla Municipal Code (WWMC), and participate in hearings, if any.

**Comments upon this application must be submitted in writing to the City of Walla Walla Development Services at 55 E. Moore St., Walla Walla, WA 99362 or via email to [permits@wallawallawa.gov](mailto:permits@wallawallawa.gov) Comments must be actually received by the Development Services Department before 5:00 P.M. on March 13, 2023.**

The City of Walla Walla Development Services has determined that this proposal is subject to environmental review. The City of Walla Walla is the lead agency for the proposal under the Washington State Environmental Policy Act (SEPA). We have reviewed the following: Submitted SEPA Checklist, and the existing environmental documents: Walla Walla Comprehensive Plan Final Environmental Impact Statement (FEIS), issued May 22, 2018 and Walla Walla Comprehensive Plan - Walla Walla 2040, Ordinance 2018-15, adopted June 13, 2018. The relevant content of these documents is briefly described as an Environmental Impact Statement for the Walla Walla Comprehensive Plan which evaluates proposed actions, alternatives, and environmental impacts of activities allowed by the Walla Walla Comprehensive Plan & Environmental Impact Statement. If reference is made below to the application or determination of completeness, copies of the referenced materials are attached hereto.

The following information may be included, where indicated, in the application or a determination of completeness upon the proposal made by the City of Walla Walla. If reference is made below to the application or determination of completeness, copies of the referenced materials are attached hereto.

Preliminary determinations and information contained herein shall not bind the City of Walla Walla and are subject to continuing review and modification.

1. Applicant: City of Walla Walla, 15 N 3<sup>rd</sup> Ave, Walla Walla, WA 99362
2. Application filing date: January 26, 2023
3. Date that application was determined to be substantially complete: January 27, 2023
4. Location and description of proposed action: City wide. Non-project action. The applicant is requesting Walla Walla Municipal Code text amendments to increase the flexible thresholds for categorical exemptions from SEPA as allowed under WAC 197-11-800(1) and RCW 43.21C.229. Amendments are contained within Section 19 and 21.
5. Comments upon this application must be submitted in writing to the City of Walla Walla Development Services at 55 E. Moore St., Walla Walla, WA 99362. Comments must be actually received by the Development Services Department before 5:00 P.M. on the following date: March 13, 2023.
6. A public hearing will be held by the City of Walla Walla Planning Commission on the proposal, but it has not been scheduled yet. A separate public hearing notice with the City of Walla Walla Planning Commission will also be issued pursuant to the Walla Walla Municipal Code.
7. The following listed permits and/or authorizations have been requested in the application: Municipal Code Amendment.
8. The following listed permits and/or authorizations, if any, may be required for the proposal but are not included in the present application: N/A
9. The City of Walla Walla has preliminarily determined that the application will be processed in accordance with the WWMC Level V review process.
10. The City of Walla Walla has preliminarily determined that the Walla Walla Comprehensive Plan/Environmental Impact Statement and the following listed code provisions, development standards, and regulations may apply to the application and mitigation of proposal impacts: WWMC Titles 20 and 21.
11. The City of Walla Walla has preliminarily determined that the proposal is consistent with applicable development regulations, or, in the absence of applicable regulations, the Walla Walla comprehensive plan/environmental impact statement.
12. SEPA lead agency: City of Walla Walla
13. The City of Walla Walla has preliminarily determined that the following identified departments, agencies, and/or authorities may have jurisdiction over some part of the application: State of Washington.
14. The SEPA Responsible Official has determined that the application, environmental checklist, Walla Walla Comprehensive plan/Environmental Impact Statement and the following listed environmental documents and/or studies may be used to evaluate the proposal. None identified. Copies of these materials may be reviewed at the City of Walla Walla Development Services at 55 East Moore St., Walla Walla, WA.
15. At this time, the Applicant has been requested to provide the following additional information and/or studies: None identified.
16. The Responsible Official has preliminarily determined that the following listed conditions are being considered to mitigate environmental impacts: None identified.
17. The City of Walla Walla preliminarily determined that, in addition to the applicant and any general public notice that may be required, the following identified parties are entitled to notice of the application/proposal: available on request. For additional information, contact: City of Walla Walla Development Services, 55 E. Moore Street, Walla Walla, WA 99362. (509) 524-4710

# Exhibit 6

## Washington State Department of Commerce Notification



## Notice of Intent to Adopt Amendment (Cover Sheet)

Pursuant to RCW 36.70A.106, the following jurisdiction provides the following required state agency notice.

Jurisdiction Name:	City of Walla Walla
Amendment Type: Select Type of Amendment listed. (Select One Only)	<input checked="" type="checkbox"/> Development Regulation Amendment
Select Submittal Type: Select the Type of Submittal listed. (Select One Only)	<input checked="" type="checkbox"/> 60-Day Notice of Intent to Adopt Amendment
Add Association  <i>If this amendment is related to additional submittals, please let us know here. IDs are included in your acknowledgment letter.</i>  <i>Example 2022-S-....</i>	
Description Enter a brief description of the amendment.  Begin your description with Proposed or Adopted, based on the type of Amendment you are submitting.  Examples: "Proposed comprehensive plan amendment for the GMA periodic	Proposed amendments to the Walla Walla Municipal Code to increase the flexible thresholds for categorical exemptions from SEPA as allowed under WAC 197-11-800(1) and RCW 43.21C.229.

update." or "Adopted Ordinance 123, adoption amendment to the sign code." (Maximum 400 characters)	
Is this action part of your 8-year periodic update required under RCW 36.70A.130 of the Growth Management Act (GMA)?	<input checked="" type="checkbox"/> No
Categorize your Submittal	See Last Page for Category List
Proposed Dates: Enter the anticipated public hearing date(s) for your Planning Commission/Planning Board or for your Council/Commission.	Planning Commission: April 3, 2023 City Council: May 8, 2023 Proposed / Date of Adoption: May 10, 2023
Contact Information:	
Prefix/Salutation: (Examples: "Mr.", "Ms.", or "The Honorable" (elected official))	Mr.
Name:	Jonathan Maland
Title:	Senior Planner
Email:	jmaland@wallawallawa.gov
Work Phone:	509 524 4710
Cell/Mobile Phone: (optional)	
Consultant Information:	
Is this person a consultant?	<input type="checkbox"/> Yes
Consulting Firm name?	

Would you like Commerce to contact you for Technical Assistance regarding this submitted amendment?	<input type="checkbox"/> Yes
---	------------------------------

**REQUIRED:** Attach a copy of the proposed amendment text or document(s). We do not accept a website hyperlink requiring us to retrieve external documents. Commerce no longer accepts paper copies by mail. If you experience difficulty, please email the [reviewteam@commerce.wa.gov](mailto:reviewteam@commerce.wa.gov)

~~~~ **ONLINE TRACKING SYSTEM AVAILABLE** ~~~~

Log in to our PlanView system where you can keep up with this submittal status, reprint communications and update your contact information.

Don't have a user account? Reply to this email to request one and attach the PlanView System Access Request Form.

**To set up your Commerce PlanView Account:**

Register for a [SAW](#) account and add the PlanView Service.

Please send completed [PlanView System Access Request Form](#) to [reviewteam@commerce.wa.gov](mailto:reviewteam@commerce.wa.gov)

Questions? Call the review team at (360) 725-3066.

- ☐ Airport Safety Zone
- ☐ Capital Facilities
- ☐ Climate
- ☐ Comprehensive Plan
- ☐ Conservation Element
- ☐ Critical Areas Ordinance
- ☐ Design Standards/Design Review
- ☒ Development Regulations
- ☐ Economic Development
- ☐ Emergency
- ☐ Environment
- ☐ Essential Public Facilities
- ☐ Historic Preservation
- ☐ Housing
- ☐ Impact Fee
- ☐ Land Use
- ☐ Military
- ☐ Open Space
- ☐ Parks and Recreation Element
- ☐ Periodic Review (SMP)
- ☐ Periodic Update
- ☐ Port Element
- ☐ Public Participation

- ☐ Recreation
- ☐ Resource Lands
- ☐ Rural Lands
- ☐ Schools
- ☐ Shoreline Master Program
- ☐ Solar Energy Element
- ☐ Subarea Plans
- ☐ Transfer of Development Rights
- ☐ Transportation
- ☐ Urban Growth Areas
- ☐ Utilities

# Exhibit 7

## SEPA Determination of Non-Significance (DNS)





**State Environmental Policy Act SEPA**  
**Determination of Non-Significance (DNS)**  
**File# ZCA-23-0003; SEP-23-0005**

**Date of Issuance:** March 14, 2023

**Lead Agency:** City of Walla Walla Development Services

**Agency Contact:** Jon Maland, Senior Planner

**Description of  
Proposal:**

The proposal is a non-project action for amendments to the Walla Walla Municipal Code Section 19.24 and 21.08 to increase the flexible thresholds for categorical exemptions from SEPA as allowed under WAC 197-11-800(1) and RCW 43.21C.229.

**Location of  
Proposal:**

City of Walla Walla (city wide)

**Applicant:**

City of Walla Walla, 15 North 3<sup>rd</sup> Avenue, Walla Walla, WA 99362

The City of Walla Walla Development Services has determined that this proposal is unlikely to have a significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). We have reviewed the following: Submitted SEPA Checklist, Technical Memorandum and the existing environmental documents: Walla Walla Comprehensive Plan Final Environmental Impact Statement (FEIS), issued May 22, 2018 and Walla Walla Comprehensive Plan - Walla Walla 2040, Ordinance 2018-15, adopted June 13, 2018. The relevant content of these documents is briefly described as an Environmental Impact Statement for the Walla Walla Comprehensive Plan which evaluates proposed actions, alternatives, and environmental impacts of activities allowed by the Walla Walla Comprehensive Plan & Environmental Impact Statement. This information is available at <https://www.wallawallawa.gov/government/development-services/public-notice>.

This determination is based on the following findings of fact and conclusions of law:

**FINDINGS OF FACT:**

1. Application filing date: January 26, 2023
2. Date that application was determined to be substantially complete: January 27, 2023.
3. Comment/emails from:  
Port of Walla Walla Director, March 3, 2023.

**CONCLUSIONS OF LAW:**

Staff has concluded that a Determination of Non-Significance (DNS) shall be issued. This determination is based upon the environmental checklist and other information on file. The DNS is supported by Plans and regulations formally adopted by the City for the

**State Environmental Policy Act SEPA**  
**Determination of Non-Significance (DNS)**  
**File# ZCA-23-0003; SEP-23-0005**

exercise of substantive authority under SEPA. The DNS also takes note of the extent to which many local, State and Federal regulations and permit requirements will govern the project to mitigate its potential impacts, in accordance with WAC 197-11-158. The following are City of Walla Walla adopted goals and policies which support the DNS:

**Environment and Natural Resources Goal 1** Water, air, and soil resources in Walla Walla are protected.

**Environment and Natural Resources Goal 2** Residents of Walla Walla are aware of environmental issues and strategies.

**CONCLUSIONS OF THE RESPONSIBLE OFFICIAL:**

The Lead Agency has determined that the requirements for environmental analysis, protection, and mitigation measures have been adequately addressed in the development regulations and comprehensive plan adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws or rules, as provided by RCW 43.21C.240 and WAC 197-11-158. Our agency will not require any additional mitigation measures under SEPA.

**This DNS is issued under WAC 197-11-340(2) and the comment period will end on March 31, 2023.**

**Responsible official:** J Preston Frederickson, Director

**Address:** City of Walla Walla Development Services  
55 E. Moore Street, Walla Walla, WA 99362

**Issue Date:** March 14, 2023

**Signature**  **Date:** March 14, 2023

Appeal information is addressed in City of Walla Walla Municipal Code (WWMC) 21.08.170. Appeal rights are outlined within WWMC Chapter 20.38 and other code provisions referenced therein.

# Exhibit 8

## Notice of Public Hearing



# NOTICE OF PUBLIC HEARING

UPON APPLICATION/ PROPOSAL

FILE# ZCA-23-0003 & SEP-23-0005

## Project Summary:

The applicant, the City of Walla Walla is requesting Walla Walla Municipal Code text amendments to Walla Walla Municipal Code 19.24 and 21.08. The City requests to increase the flexible thresholds for minor new construction as allowed under WAC 197-11-800(1).

The proposed code changes include the raising of the exemption levels for single-family residential units from four to 30; 60 for multifamily residential units; from 4,000 square feet to 30,000 square feet for office, school, commercial, recreational, service, and storage buildings; from 20 parking spaces to 90 parking spaces; and from 100 cubic yards to 1,000 cubic yards of fill or excavation.

Notice is hereby given by the City of Walla Walla Development Services Department that a Public Hearing will be held on the proposal by the **City of Walla Walla Planning Commission on Monday, April 3, 2023 at 6:30 P.M. at the City Hall in the Council Chambers; 15 N. 3rd Avenue, Walla Walla, WA (N. 3rd Avenue and Rose Street).**

The purpose of this Public Hearing is to consider a request for text amendments to the Walla Walla Municipal Code. Note: This meeting will be conducted in person at City Hall. Members of the public may also attend and participate in the public hearing virtually by using this Zoom meeting link: <http://bit.ly/3mEJTMi> or may listen to the meeting by calling 253-215-8782 and entering meeting ID 891 9683 2629.

1. Applicant: City of Walla Walla, 15 N. 3<sup>rd</sup> Avenue, Walla Walla, WA 99362
2. Application filing date: January 26, 2023.
3. Location and description of proposed action: City wide. Non-project action. The applicant is requesting Walla Walla Municipal Code text amendments to increase the flexible thresholds for categorical exemptions from SEPA as allowed under WAC 197-11-800(1) and RCW 43.21C.229. Amendments are contained within Section 19 and 21.

All interested persons and parties may participate in the public hearing. The public hearing shall be open to consideration of the environmental impacts of the proposal. Interested persons and parties may also receive a copy of any decision(s) made on the proposal by filing a special notice request with the Development Services Department as provided in Section 20.14.015 of the Walla Walla Municipal Code (WWMC). Appeal rights are outlined in WWMC Chapter 20.38 and other code provisions referenced therein.

A staff report and information packet, with all submitted documents, will be available for reviewing at the City of Walla Walla Development Services Department, prior to the Public Hearing. Application materials and additional information are available at the City of Walla Walla Development Services Department office or website:

[www.wallawallawa.gov/government/development-services/public-notice](http://www.wallawallawa.gov/government/development-services/public-notice).

City of Walla Walla Development Services,  
55 E. Moore Street, Walla Walla, WA 99362; Phone: (509) 524-4710

# Exhibit 9

## Notice Certification



## CERTIFICATE

I certify under penalty of perjury under the laws of the State of Washington that the:

Notice of Application for ZCA-23-0003 & SEP-23-0005 was published in the Walla Walla Union Bulletin (WWUB) and was posted on the City of Walla Walla website on the following stated date(s): February 21, 2023.

A handwritten signature in black ink, appearing to read "J.P. M...", written over a horizontal line.

March 24, 2023  
Date

Signature

I certify under penalty of perjury under the laws of the State of Washington that the:

Notice of Public Hearing for ZCA-23-0003 & SEP-23-0005 was published in the Walla Walla Union Bulletin (WWUB) and was posted on the City of Walla Walla website on the following-stated date: March 16, 2023.

A handwritten signature in black ink, appearing to read "J.P. M...", written over a horizontal line.

March 24, 2023  
Date

Signature

I certify under penalty of perjury under the laws of the State of Washington that the:

State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) for SEP-23-0005 was posted on the City of Walla Walla website and SEPA register on the following-stated date: March 14, 2023.

A handwritten signature in black ink, appearing to read "J.P. M...", written over a horizontal line.

March 24, 2023  
Date

Signature

# Exhibit 10

## Comment from the Port of Walla Walla



## Jon Maland

---

**From:** Patrick Reay <pr@portwallawalla.com>  
**Sent:** Friday, March 3, 2023 8:01 AM  
**To:** Jon Maland  
**Cc:** Preston Frederickson; Elizabeth Chamberlain  
**Subject:** RE: ZCA-23-0003, SEP-23-0005 WW Municipal Code text amendments to increase the flexible thresholds for categorical exemptions from SEPA as allowed under WAC 197-11-800(1) and RCW 43.21C

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Jon-

The Port of Walla Walla supports and applauds the city of Walla Walla's review and proposal to adjust the Walla Walla Municipal Code to hopefully streamline the permitting process.

Our question for the city to consider is why you wouldn't consider reflecting state law and allowing for SEPA thresholds. Is there any reason that the city would need to be more restrictive than state law? We believe that this is an unnecessary requirement of developments that adds unnecessary permit processes and costs that ultimately get passed on to the end users (business, homeowner or renter).

We would recommend reflecting and utilizing the maximum exceptions and discretion that the statutes allow.

Thanks. Pat

Patrick H. Reay  
Executive Director  
Port of Walla Walla  
310 A. Street  
Walla Walla, WA 99362  
509-525-3100 Ext. 102 Work  
509-525-3101 Fax  
[pr@portwallawalla.com](mailto:pr@portwallawalla.com)  
[www.portwallawalla.com](http://www.portwallawalla.com)

**SPECIAL PUBLIC DISCLOSURE NOTICE TO RECIPIENT(S):** Information contained in any communication to or from the Port of Walla Walla, including attachments, may be subject to the disclosure requirements of Washington's Public Records Act, Ch. 42.56 RCW.

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**From:** Jon Maland <jmaland@wallawallawa.gov>  
**Sent:** Tuesday, February 21, 2023 8:19 AM  
**To:** Barber, Philip <philip.barber@cngc.com>; Johnson, Roger <Roger.Johnson@cngc.com>; Bloom, William <William.Bloom@cngc.com>; Jon Rickard <jrickard@cpwa.us>; Mike Rizzitiello <mrizzitiello@cpwa.us>; Doug Case <dcase@columbiarea.coop>; Bryan Maas (bmaas@columbiarea.coop) <bmaas@columbiarea.coop>; Grant Glaus <gglaus@columbiarea.coop>; Andrew Maycumber <amaycumber@co.walla-walla.wa.us>; Barb McKinney <bmckinney@wwcountyroads.com>; Ashley Morton <ashleymorton@ctuir.org>; Mike Lambert <mikelambert@ctuir.org>; sepa@dahp.wa.gov; kmclain@agr.wa.gov; R1planning@dfw.wa.gov; SEPA.reviewteam@doh.wa.gov; jamie.gardipe@doh.wa.gov; robert.hubenthal@dshs.wa.gov; Dept of Natural Resources (sepacenter@dnr.wa.gov) <sepacenter@dnr.wa.gov>; Patrick Baird- Nez Perce <keithb@nezperce.org>;



# Exhibit 11

Correspondence from the  
Washington State  
Department of Archaeology  
and Historic Preservation

## Jon Maland

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**From:** Jon Maland  
**Sent:** Friday, March 10, 2023 12:23 PM  
**To:** DAHP SEPA (DAHP)  
**Subject:** RE: ZCA-23-0003, SEP-23-0005 SEPA

Hello Sydney, there are three aspects to this from a DAHP notice/inadvertent discovery point of view.

One, we would continue to provide SEPA notice to DAHP and the Tribes on anything that is not SEPA exempt (i.e., exceed the new minor new construction thresholds in any direction, or the other exceptions covered in the WACs).

Two, for exempt projects, the city's public notice procedures are substantially the same in the proposed code changes, with clarification on the city maintaining the list of agencies and organizations that receive notice on SEPA determinations (including the Tribes and DAHP) and clarifying that these agencies and organizations will all get notice through the city's general project notice regulations for nonexempt level III and above proposals.

Three, as for inadvertent discovery, we are not proposing to require an IDP for all projects. What our revised code would do is establish inadvertent discovery *language* in code that requires any permittee for a building or grading permit to cease all work, secure the location, notify the city, and fulfill the requirements of an inadvertent plan and procedures document made available by the city if a discovery is made. So, the city is responsible for maintaining a plan and procedures template that any permittee who makes an inadvertent discovery would have to follow, but they are not required to have an IDP ahead of time, depending on the specific level of the project.

Jonathan D. Maland, AICP

*Senior Planner*

509.524.4710

wallawallawa.gov



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**From:** DAHP SEPA (DAHP) <sepa@dahp.wa.gov>  
**Sent:** Tuesday, March 7, 2023 12:17 PM  
**To:** Jon Maland <jmaland@wallawallawa.gov>  
**Cc:** guy.moura@colvilletribes.com; 'arrow.coyote@colvilletribes.com' <arrow.coyote@colvilletribes.com>; keithb@nezperce.org; Ashley Morton <AshleyMorton@ctuir.org>; Casey Barney <Casey\_Barney@Yakama.com>; Corrine Camuso <Corrine\_Camuso@yakama.com>; Gregg Kiona <Gregg\_Kiona@Yakama.com>; Jessica\_Lally <Jessica\_Lally@Yakama.com>; Kate Valdez <kate@yakama.com>; Noah Oliver <Noah\_Oliver@yakama.com>  
**Subject:** RE: ZCA-23-0003, SEP-23-0005 WW Municipal Code text amendments to increase the flexible thresholds for categorical exemptions from SEPA as allowed under WAC 197-11-800(1) and RCW 43.21C

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Hi Jon,

Thank you for the opportunity to comment on this municipal code amendment. Can you clarify what is written in Question 13? It appears that you are going to continue to consult with DAHP and the Tribes on all projects, even ones that involve less than 1000 cubic yards of ground disturbance. It also sounds like you are requiring IDPs across the board. Is that correct?

All the best,

**Sydney Hanson, MA** (she/her) | **Local Government Archaeologist**  
*Eastern Washington & Columbia River Counties*  
360.280.7563 | [sydney.hanson@dahp.wa.gov](mailto:sydney.hanson@dahp.wa.gov)

Department of Archaeology & Historic Preservation | [www.dahp.wa.gov](http://www.dahp.wa.gov)  
1110 Capitol Way S, Suite 30 | Olympia WA 98501  
PO Box 48343 | Olympia WA 98504-8343



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